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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 274th MEETING

Held at Headquarters, New York,
on Thursday, 26 January 1995, at 3 p.m.

Chairperson: Ms. CORTI

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Third and fourth periodic reports of the Russian Federation (CEDAW/C/USR/3 and 4)

1. At the invitation of the Chairperson, Mrs. Bezlepkina (Russian Federation) took a place at the Committee table.

2. Mrs. BEZLEPKINA (Russian Federation) said that during the period of reorientation resulting from Russia's adoption of democratic values and ideals the country's internal resources were strained and its people were struggling with a falling standard of living. The transition to a market economy was being hampered by social and psychological inertia. Production in the manufacturing sector had dropped to an all-time low, and most people had suffered a sharp reduction in income. The gap between the highest and lowest income levels was 15 times greater than before. People often commented that the reforms had benefited the world community more than they had the people of Russia. Moreover, ethnic conflicts had resulted in an acute problem of migration within Russian territory. Social infrastructure in rural areas was also being drastically reduced.

3. To be properly understood, the status of women in Russia must be seen within the context of those problems. Women in Russia had always enjoyed full political, economic and social rights, and the Russian Constitution specified and confirmed their legal rights. To put those constitutional principles into effect, a vast national mechanism had been established, which had made it possible to predict and, to some degree, alleviate the negative consequences on women of the economic crisis, to include gender factors in State social policy and to take specific measures aimed at facilitating women's adaptation to the market economy.

4. As far as the participation of women in decision-making was concerned, their political activity was on the rise. In October 1993, the political movement "Women of Russia", whose objective was to bring women into government decision-making bodies, won 21 seats out of 225 in the Parliament. Women's organizations were fully integrated into the social and political structure and covered a broad range of activities. At the same time, because of their lack of organizational and political experience, women's organizations had yet to have a major impact on the political process.

5. The recent social changes in Russia had given rise to some tension and increasing differentiation between the roles of men and women. Some of the new political parties were calling for a return of women to their traditional roles in the home. Women still had very little real access to political and economic power. The former socialist model for the advancement of women had been rejected, but a viable new system had yet to be devised.

6. The issues of poverty and unemployment were entirely new for Russia. Approximately 47 per cent of children under 15 were currently living in single parent families below the poverty line. People were less motivated to work hard and to seek training and education, and there had been an increase in social dependence. The feminization of poverty was closely related to unemployment among women: women made up 70 per cent of the unemployed, and they tended to be unemployed twice as long as men. The strategy for the first stage of economic transformation provided only limited social protection measures for the most vulnerable groups in society. The Government's main priority was to provide an adequate level of social protection for those groups.

7. Turning to the questions compiled by the Pre-session Working Group, she said that the Russian Federation had a national mechanism for drafting and implementing State policy on women at the federal, regional and local level, and a National Council for the Fourth World Conference on Women had been established in 1993. Programmes had been designed to promote de facto equality of men and women, to support women candidates in the recent elections and to help women gain true equality within the family. The Government provided special support to mothers in order to address the declining birth rate, and other State programmes sought to reconcile a woman's work with her home responsibilities. Although all discrimination against women had been removed from government instruments, women's participation remained inadequate as yet. In December 1994, a national conference on women in development had been held to discuss various strategies.

8. With regard to the forced resettlement of returning ethnic Russians, she said that 53.4 per cent of returnees were women. A resettlement office had been established to implement the Government's long-term migration programme and to help returnees find work and housing. Those considered refugees received special allowances and interest-free long-term housing loans.

9. With regard to the legislative measures, she said that discrimination on the grounds of sex was prohibited in the Constitution, the Marriage and Family Code, the Penal Code and the new Civil Code, and a law on domestic violence was currently being prepared. To ensure equal opportunity, employment, population and family support programmes had been implemented at all levels. The federal employment programme was intended to broaden opportunities for women and open up alternative forms of employment reflecting concerns for occupational safety and protection for maternity. A Presidential Decree issued in 1993 had set the priorities for the State policy on women.

10. In response to the Committee's request for more up-to-date information about women in positions of leadership, she said that women were playing an increasingly prominent role in social movements and political parties. The establishment of the "Women of Russia" movement in October 1993 had boosted women's social and political activity and encouraged them to run for political office. Women currently accounted for 11.4 per cent of the deputies in the Russian Federation Federal Assembly (5.6 per cent in the Federation Council and 13.6 per cent in the State Duma), which represented a distinct improvement on the 1990 figures. Moreover, only two of the seven parties represented in the Federal Assembly had no female deputies.

11. The number of women in senior positions in federal ministries and departments was still too low. There were just two female federal ministers, only one of whom was a member of the Government. The acting Chairman of the Central Bank of Russia was a woman, and there were 10 female deputy leaders of federal executive organs. In no sector of the economy, did women occupy more than 20 per cent of senior positions, although 54 per cent of all school principals, 23 per cent of cooperative owners, 17-19 per cent of entrepreneurs and 39 per cent of the co-owners of limited liability partnerships were women.

12. A number of associations for female entrepreneurs were springing up in Russia, for example the Confederation of Russian Businesswomen and the Association of Female Entrepreneurs. Such associations aimed to provide consultative, educational and practical assistance to women starting out in business.

13. Russia was trying to take into account the recommendations of the international community. The Decree of the President of the Russian Federation "On Priority Tasks of State Policy With Respect to Women" noted the need to create conditions for the real participation of women in the activity of State organs and social organizations. Commissions and committees on issues relating to women, families and children had been established at various levels of government and their work was being coordinated on the basis of a unified conceptual approach reflected in a national platform of action to improve the status of women. The strategy for integrating women into management at the decision-making level was geared primarily to formulating special programmes for training and promoting capable and competent women.

14. Regarding measures that were being taken to correct stereotypes, such issues were addressed in various ways in the mass media with government support. Considerable efforts were being made to inculcate moral and family values and to promote a respectful attitude towards individuals in general and women in particular. The Government-funded "Hope" radio station, which specialized in highlighting problems encountered by women, was performing particularly useful work. Its broadcasts were designed to overcome stereotypes about women and inform them of their rights and the opportunities for exercising those rights while simultaneously explaining government policy on women. Unfortunately, some other sections of the mass media were perpetuating traditional, patriarchal propaganda concerning relations between the sexes.

15. According to data from the office of the Russian Federation Procurator-General, there had been 331,800 crimes committed against women in 1993; 14,500 women had died as a result and 56,400 had suffered bodily injury. A total of 14,400 rapes had been recorded in 1993; of that total 1,800 involved abuse of minors. The high incidence of violence against women and children was attributed, in part, to the difficult social and economic situation and increased unemployment.

16. A Declaration on the Eradication of Violence Against Women had been discussed at a special session of the National Preparatory Council for the Fourth World Conference on Women held in September 1994. The first step towards such eradication was the elaboration of the national platform of action to

improve the status of women, a major part of which was devoted to prevention of such violence.

17. Under current legislation, rape was regarded as an extremely serious crime punishable by a lengthy prison term. In addition, there were a number of statutes which made specific provision for the protection of women, for example chapter 19 of the Criminal Code on crimes against sexual inviolability and article 146 on violations of citizens' equal rights. On a practical level, the militia had taken steps to identify dysfunctional families and deal with crime at the source. It had been recommended that shelters be set up for victims of domestic violence.

18. A network of institutions offering psychological support and medical consultation had been established for victims of domestic violence. The Government had taken steps to develop and extend the network of special rehabilitation centres for single women, mothers with children, battered women and women experiencing particular difficulties of any kind. There were currently over 200 such centres run by a variety of organizations, governmental and other. There were no data on the number of Russian women who had died violently expressed as a proportion of the total number of violent deaths.

19. No cases of persecution of women for religious reasons had officially been recorded in the Russian Federation, and Russia could not be held responsible for the situation in other republics of the former Soviet Union.

20. As to whether the collapse of the social security system had placed additional burdens on women in the home, she said that the division of responsibilities within the home was a matter for collective decision by the family; the Government's aim was to create conditions for promoting equality between men and women in the domestic environment and to ensure that the younger generation was exposed to propaganda emphasizing equality in the sharing of domestic tasks. Economic deregulation enabled women to contribute directly to family income by getting involved in business activities. A number of special educational programmes had been formulated to encourage women to get more involved in public life.

21. On the topic of prostitution, she said that there were no official data on the subject, although some studies were being carried out. No special programmes were in place to ensure that prostitutes had access to regular health checks, nor were there any rehabilitation programmes since prostitution was not a criminal offence. Regarding reports that many Russian women had contracted marriages with foreigners simply to leave the country, she said that the choice of a marriage partner was a matter solely for the women concerned. It was certainly possible that the economic situation might have forced some women into prostitution. Now that Russia had joined Interpol it was easier to monitor organizations which often served as a cover to lure Russian women abroad for the sex industry.

22. Concerning women's participation in public and political life, she said that the Government was reluctant to return to the outmoded quota systems of the Soviet era and wished to create conditions which would enable women's initiative to develop naturally. Since 1990 some 300 different women's organizations had

sprung up in Russia. One major area of activity pursued by a number of women's non-governmental organizations was the protection of women's rights in cases of mass redundancies and unemployment. Such organizations fostered women's entrepreneurial initiative, for example in the sphere of private farming, and taught them about working from home, retraining opportunities, and getting involved in charity work.

23. Regarding government measures to eliminate sexism in educational establishments, she said that in a country such as Russia, where women were integrated into practically all spheres of life, the problem of sexism in education could hardly be described as a live issue. Moreover, public consciousness had long been educated to think of women as the equals and partners of men.

24. The imbalance between women and men in vocational training could be explained by the restrictions that had been placed on women's access to certain industries, trades and work involving difficult and unhealthy conditions. Despite those prohibitions, the proportion of women studying in higher educational establishments and secondary specialized institutions stood at 51 per cent and 59 per cent respectively, which corresponded to the proportion of women in the population as a whole. Regarding changes in the educational system resulting from the economic upheaval, she reported that over 580 high schools, 340 lycees and 300 non-State schools were operating in Russia in 1993.

25. The preponderance of women among the unemployed could largely be explained by the greater reduction of jobs in sectors of the economy traditionally dominated by women. The initial phase of the establishment of a labour market in Russia had already been completed, and the measures taken by the Russian Government in that sphere had resulted in an evening out of the numbers of men and women being made redundant. The proportion of women officially registered as unemployed in 1995 was not expected to exceed 55-60 per cent, which corresponded to the structure of employment as a whole.

26. Compliance with State labour guarantees in the private sector was a pressing issue. The concept of the interrelationship between the State and the individual in the sphere of labour relations at a time of economic transition was still in the process of being formulated. It was geared to State assistance in providing citizens with employment and hence an adequate standard of living.

27. There had never been any official State policy declaring that women's place was in the home. Freedom of the press guaranteed open discussion of the role of women in society. She pointed out that if a woman, particularly a pregnant woman, was refused employment, she could seek remedy in the courts, and that a company could not cite financial difficulties as justification for its conduct.

28. Referring to questions concerning measures to reduce discrimination in the workplace, and policies to enable mothers to work part-time, she said that as indicated in the report (para. 178), work in the area of health, education and culture, was undervalued. Women earned less than men, primarily because they were employed in those low-paying branches. Measures were being taken to narrow the wage gap between women and men. However, women engaged in the same activity as men did receive equal pay. Official data gave no indication of wage

discrimination between the sexes. Pregnant women working in industry were entitled to work 70 days outside the home and 30 days at home.

29. Responding to another question, she said that measures to assist needy women had been fully implemented. The introduction of economic reform had brought an increase in family allowances. Factors such as inflation, price liberalization and regional differences in the cost of living made it difficult to determine the value of those allowances in real terms. The method of granting allowances had also been overhauled; every effort was being made to provide assistance on the basis of individual need.

30. In 1990, there had been three types of allowances, including a monthly child-care allowance of 35 roubles at the time of birth, which covered 57 per cent of the child's basic needs and monthly allowances covering 40 per cent of children's needs for children of single mothers, servicemen and divorced parents, or for children who were wards of the State. Allowances were also provided for children educated in the home, provided that the parents were qualified to assume that responsibility.

31. Within the limits of existing resources, every effort was being made to adjust children's allowances to inflation and fluctuating food prices. The context of economic reform and the fact that the Russian Federation had little experience in that area made the process painful. Existing allowances had been periodically increased and a number of new allowances were now granted to families with children. By the end of 1993, the Russian Federation provided 10 different types of allowances, covering 30 per cent of pre-school children's needs and 12 per cent of the needs of school-age children. Special allowances were provided to families with disabled children and to foster parents. In 1993, the relationship between the educational system and the family was modified and many existing allowances were consolidated. Annual child-care leave was also guaranteed.

32. Parents on maternity leave were given 100 per cent of the minimum wage until the child reached the age of 18 months. That was covered by social security. Monthly allowances were also granted for children under age 6 and for school-age children. Single-parent families received an allowance that was 1.5 times larger and food subsidies for the children. During their three-year child-care leave, women continued to receive a monthly allowance, which was now equal to 50 per cent of the minimum wage. Allowances were paid by employers and could be obtained for longer periods of time; the amount depended on the cost of living in each region.

33. In real terms, as of November 1994, family allowances represented 22.5 per cent of the minimum wage. In single-parent families, it covered 40.9 per cent of the basic needs of pre-school children and slightly less in the case of school-age children. Allowances had been maintained in most regions during the transitional period of economic reform. Furthermore, a law to strengthen the system of allowances and benefits had just been adopted.

34. Reform and restructuring had not only pushed up the cost of medical services but had also affected their quality. Women had been severely affected and the infant mortality rate had risen. Concerning questions on the medical

care provided for older women, she said that article 17 of the Basic Legislation of the Russian Federation guaranteed the protection of all citizen's health, regardless of age, sex or nationality. Articles 22 through 26 provided for the protection of pregnant women, mothers, minors and the elderly.

35. As part of the shift to a market economy, State-guaranteed health insurance had been established and a law ensuring health insurance for all citizens had been adopted. The law also provided for health services for pregnant women through the post-natal period, the monitoring of girls up to the age of 18 and the distribution of contraceptives. Free medical assistance was provided to pregnant and nursing women. Free medicine was provided to children 3 years of age and under, to children in large families up to the age of 6, and to disabled children up to the age of 16. In cases of serious illness, free or discounted medicine was available to women and the elderly. As there had been some snags in the application of the law guaranteeing assistance to women and children, the Ministry of Health and the Parliament were drafting more effective legislation.

36. Replying to questions on the threat of AIDS and measures taken to prevent its spread, including public information campaigns, she said that the control of AIDS was a national priority; in fact it was even regarded as a matter of national security. As of 1 January 1994, 264 women were infected with the HIV virus, 111 or 42 per cent of whom were girls. In 33 of those women, the virus had been detected during pregnancy. The Government had formulated a federal programme for AIDS control for the period 1993-1995, which included preventive measures, such as providing information to persons of various ages and social backgrounds. Religious and social organizations and members of high-risk groups were participating in the programme. A network of 79 territorial centres under one single office provided psychological counselling and support. The Russian Federation had also set up a national system for diagnosing and monitoring the spread of the HIV virus and the Government had drafted a law on the prevention of AIDS.

37. Replying to questions concerning inadequacies in family planning services and their effect on the incidence of abortion, she said that the Government had formulated a federal family planning programme which operated at the national, regional and local levels. In 1994, more than 25 family planning centres were operating. Family planning offices had also been incorporated into all medical clinics, which ensured that contraceptives were available to the entire Russian population. An information campaign, aimed primarily at adolescents, was also being conducted through the mass media. The goal was to reduce maternal/infant morbidity and mortality and to reduce the rate of abortion by 25 to 30 per cent. In addition, a non-governmental organization for the promotion of family planning had been established. As a result of all those initiatives, abortions among women between the ages of 15 and 49 had dropped from 114 per thousand in 1990 to 94 per thousand in 1994.

38. Replying to another question, she said that regional medical programmes of the former Soviet Republics had not been integrated into the health system of the Russian Federation. Free medical assistance was provided to families with young, disabled or foster children. They were also given special assistance for holiday travel.

39. Regarding the exposure of pregnant women and children to chemical fertilizers, she said that the Government was taking measures to improve the socio-economic situation of rural women. Women employed in agriculture were entitled to additional benefits. In addition, women under the age of 35 years were barred from holding certain agricultural jobs, included on a list prepared by the Government where they risked being exposed to pesticides or disinfectants. The Ministry of Agriculture and Food had developed a technical service for the mechanization of agricultural operations in order to ensure that workers were not exposed to hazardous chemicals. The programme sought to ensure safe working conditions and to reduce the incidence of work-related accidents and disease among women.

40. The market infrastructure was just being established in the rural areas; it would be accessible to all persons. Replying to a question concerning the migration of women, including girls, from rural to urban areas, she said that urban migration was not really a new phenomenon. Women and girls migrated to cities primarily in search of better, more prestigious jobs, which they were not likely to find. Gender-disaggregated unemployment figures were essentially the same in urban and rural areas. The Government provided comprehensive assistance to the agro-industrial complex; it planned to restructure the sector by promoting diversity in agriculture, private land ownership and other market reforms.

41. Replying to a question concerning media reports about homeless children, she said that every year, the Ministry of Internal Affairs arrested approximately 60,000 unsupervised children and more than 300,000 for disorderly conduct or vagrancy. The Government had established centres for their rehabilitation and had also enacted a law prohibiting parents from selling privatized apartments until the authorities had ensured that the children would have a place to live. Efforts were also being made to place orphans in foster homes.

42. The CHAIRPERSON thanked the representative of the Russian Federation for her very comprehensive responses. Speaking in her personal capacity, she asked what impact the increase in the number of private schools would have on the poor. She also wondered how women's participation in decision-making and political life would be ensured without establishing specific quotas.

43. Lastly, noting the difficulties inherent in the transition from the collective system to one which encouraged individual choice, she said the formation of women's organizations could be useful in achieving the full realization of women's rights.

44. Ms. SCHÖPP-SCHILLING urged the Russian authorities to continue their efforts, through training, consciousness-raising, and employment opportunities, to overcome the segregation of the labour market which had existed even under the old economic system. In such times of economic difficulties and restructuring, it was natural for women to cling to the family for support; however, that was likely to lead to a perpetuation of deeply ingrained sexual stereotyping. In developing its social policies the Government should bear in mind the rights and needs of women as individuals, not only their family role.

45. She expressed deep concern at the conflict currently taking place within the Russian Federation, not only because of the sufferings it was causing, but also because of the economic resources which were being diverted away from social programmes. She would welcome additional information on the subject, and urged the Russian Federation to seek a peaceful solution since war was never in the interest of the people, especially the women and children.

46. Ms. ABAKA said that it was essential to take affirmative measures to counteract the short-term negative effects that the structural adjustment was having on women, the elderly and children. She expressed grave concern at the major health problems among young people described in paragraphs 232-233 of the latest report, and inquired about the causes of those illnesses and the measures being taken to alleviate them, as well as the anticipated effects on the future employment capacity of the population.

47. Ms. JAVATE DE DIOS expressed the hope that the Government would be able to arrest any further deterioration in women's economic, political and social position. She urged the Government to continue its efforts to assert women's rights and to alleviate their economic situation..

48. Ms. MÄKINEN said that, on reading the latest report, she had been struck by the considerable severity of the crisis in the Russian Federation. She was nevertheless convinced that well-educated women in that country had the capability and power to influence events. She urged the Government to implement more special temporary measures to alleviate the situation of women.

49. Ms. BARE, drawing attention to the problems related to unemployment benefits described in paragraphs 188-191 of the fourth report, wondered what measures were being planned to assist women experiencing difficulties in finding work, and to what extent those measures conformed to the principle of equal pay for equal work. She also inquired whether there were any measures to enable women to compete with men in the labour market, especially with reference to health and safety matters.

50. Ms. AYKOR expressed concern at the numbers of highly educated women who were unemployed, and also at the fact that such women, some of whom were infected with the HIV virus, were frequently found to be engaging in prostitution in certain countries bordering on the Russian Federation, motivated by severe economic need. That situation was a violation of the women's human rights.

51. Ms. BUSTELO GARCIA DEL REAL recommended that, given the serious difficulties that women were experiencing, the Government should set up a programme to collect information on the situation of women, so as the better to coordinate its efforts, and propose policies for equal opportunities.

52. Ms. BEZLEPKINA (Russian Federation) said that the new private schools were intended to be alternative forms of education, and that the State system of free education would remain.

53. Regarding quotas for the employment of women in management posts, she said that Russian women were not in favour of quotas because they considered them

demeaning. However, the development of women's organizations in the social field was encouraged, and it was hoped that in such areas, more women would attain positions at high levels of administration.

54. With reference to the question of unemployment benefits, she said that men and women received exactly the same benefits, in addition to which there were many special funds and support programmes which included training schemes.

55. Regarding the worsening health situation, it was true that certain problems were being experienced, and that tuberculosis was on the increase. That was due in part, to ecological and nutritional factors, and the Government did have special programmes designed to deal with such difficulties.

56. She pointed out that she could not comment on the third report, since it had been submitted by the Union of Soviet Socialist Republics; she had therefore confined her remarks to the fourth report. She assured the Committee that those questions which she had been unable to answer would be taken into account in the preparation of the next report.

The meeting rose at 6.05 p.m.

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Fourteenth session

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Peru (CEDAW/C/13/Add.29)

1. At the invitation of the Chairperson, Ms. Schenone (Peru) took a place at the Committee table.

2. Ms. SCHENONE (Peru), replying to the questions put forward by the Committee's pre-session working group, said that her country's institutions and republican form of Government had been brought to the brink of total collapse by a combination of terrorism, uncontrollable narcoterrorism, hyperinflation and a ravaged economy, which had made the country almost ungovernable and emergency measures essential. The takeover by the Government of reconstruction had made the country viable and had permitted a reorganization of economic structures. The new Constitution of 1993 reflected changes designed to make democracy viable throughout Peru. With most of the leadership of Shining Path and other terrorist groups in prison, peace had been restored, making development and the institutionalization of democracy possible and bringing relief to the population through the development of the resources available to them. Priority was being given to providing health and basic justice, and relief to the hardest hit areas. The Government had to meet the needs of some 600,000 people who had been displaced by terrorism and economic and social marginalization and was trying to reintegrate them into society. There were many female-headed households among the displaced population.

3. In the 1990s, the position of women was generally better at all levels than it had been previously. Women were better educated and all children attended school. There were greater prospects for women in the labour market, although they were still expected to take responsibility for the home and children. There was better provision for women's health, contraceptives and family planning were available, and maternal and child health care had improved. There was, however, some inequality between the position of women in urban and rural areas.

4. With respect to political rights, the 1980 Constitution had recognized the equality of men and women before the law, the Civil Code had been amended, and the Convention on the Rights of the Child was being applied. There was increased participation by women in State and governmental structures: the Ministers of Education and Health were both women, as was the Chief Prosecutor. Women were well represented in senior judicial positions, there were large numbers of women throughout the Government and in the Attorney-General's office, and women outnumbered men in tax offices. They also played an important role in grass-roots organizations.

5. The working group had noted that the report had not been drafted in accordance with the Committee's guidelines, and did not respond to comments made by the Committee in considering Peru's initial report. It had also noted that the machinery needed to apply the Convention fully was not in place. She

recognized that there had been a lack of coordination. All government offices were currently trying to ensure that action was taken in accordance with the new Constitution. In an attempt to improve coordination, a Permanent Commission for Women's and Children's Rights had been established in January 1994, three years after the Ad Hoc Commission on Women's Rights had been disbanded. The Commission was headed by the Deputy Minister of Justice and brought together representatives of governmental and non-governmental bodies, the Catholic Church, private enterprise and women's and children's organizations. It was responsible for multisectoral coordination of policies and activities and for ensuring that the Convention was effectively implemented in Peru. It had also produced Peru's national report for the Beijing Conference.

6. In response to the request for information on the number of women's organizations in Peru, she said that there were 110 such organizations, and eight national women's networks. Further statistics, compiled by the Permanent Commission, would be provided in the next report.

7. With reference to the lack of official statistics on the status of women, she said that the National Institute of Statistics and Information had carried out a number of censuses in 1993, which had provided gender-based statistics that would be included in the next report. On the question of the relationship between the Convention and Act (No. 23506) on habeus corpus and amparo, she said that Act No. 23506 (1982), as amended by Act No. 25011 (1989) and Legislative Decree No. 25433 (1992), strictly protected individual liberty and certain social rights, such as the rights of assembly, association and participation in public life, and safeguarded against any violation of human and constitutional rights. The Convention was applied in the context of the State's obligation to guarantee men and women equality in the enjoyment of all economic, social, cultural, civil and political rights. The aforesaid national laws provided broader mechanisms for women to invoke their rights under the Convention.

Article 2

8. The Constitution of 1993, like that of 1980, provided that international treaties which had been signed and ratified by the President of the Republic acquired the force of law.

9. The Civil Code of 1936, which had treated women as subordinate to men in all matters relating to the running of the home and the upbringing of children, had been completely remodelled. The new Code recognized equality between men and women, as did the Criminal Code of 1991 and the Code of Civil Procedure. While her Government was unable to specify the number of cases initiated under the anti-discrimination provisions of the Civil Code, as requested by the Committee, it would undertake a study of that subject.

10. Under the National Population Policy Law, family planning policies were designed to promote equality between men and women and to involve both partners in deciding how many children to have and at what intervals, and what family planning method to use.

Article 3

11. Replying to the concerns expressed about some aspects of the new Constitution, especially the fact that references to the basic principle of equality had been deleted and that economic, social and cultural rights had been excluded from the category of basic rights, she said that such concerns were unfounded. Not only did the Constitution guarantee all fundamental human rights, but the State had not abandoned its role of ensuring the well-being of the population. Articles 9 to 13 of the Constitution, as well as other articles, referred clearly to the need for State action in such areas as employment, health care, education, social services and infrastructure.

12. As part of the national machinery for the ongoing and systematic advancement of women's interests in all aspects of the planning and implementation of government programmes, the Permanent Commission for Women's and Children's Rights set up within the Ministry of Justice was responsible for coordinating government programmes. Non-governmental organizations had direct input into some aspects of policy formulation.

13. In order to combat violence against women, in 1988 her Government had begun to set up special police units, staffed by women police officers, to handle complaints of violence against women, including sexual abuse. There were now 11 such units operating in various provinces. That was an important step, as it was estimated that only 10 per cent of rape victims reported the crime to the authorities because of the complicated procedures involved.

Article 5

14. As to the allegations of rape committed by the security forces while interrogating suspects in areas under a state of emergency, all complaints of human rights violations were channelled through the National Human Rights Council, and those found guilty were punished. A computer network was being developed to enable international human rights bodies to have access to reports of human rights violations. Moreover, the terrorist groups Shining Path and Movimiento Revolucionario Tupac Amaru had been responsible for some 1,000 cases of rape, according to investigations carried out by her Government and by non-governmental organizations. In most cases, the victims had been rural women and girls. That was one of the reasons why her Government had stepped up its anti-terrorist campaign.

15. Among the specific measures adopted by her Government to protect women's basic human right to dignity and physical integrity, Act No. 26260, promulgated in December 1993, set forth the basic policy of the State and society in the area of domestic violence. Local communities had also devised their own mechanisms for protecting women. Under the Code of Children and Adolescents, a system was being established to enable anyone to file complaints of child abuse. Her Government's efforts in that regard were being coordinated with the United Nations Children's Fund (UNICEF).

Article 6

16. While precise figures on the scale of prostitution were not available, the extreme poverty in which a significant proportion of the population lived continued to encourage the practice. Of particular concern was the large number of adolescent girls involved in prostitution. A decree issued by the Ministry of the Interior banned prostitution among minors. The Code of Children and Adolescents provided that when minors were found engaging in prostitution, they were deemed to have been abandoned by their parents or guardians and became wards of the State. Efforts were being made to increase the penalties for procuring or pimping.

17. With regard to the status of women detainees, the regulations governing the penitentiary system prohibited any type of discrimination against women prisoners. The treatment of all prisoners was in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, and focused on rehabilitation, re-education and reintegration into society. In 1992, a survey of penal institutions had found 104 of them to be in a state of total disrepair, lacking space, water, electricity, and so on. Since then, 21 new penitentiaries had been built, each one containing minimum-, medium- and maximum-security facilities. The prisons were also equipped with workshops, visiting rooms, crèches and schoolrooms. Prisoners had access to training and education. A system was being developed to provide special training for prison personnel.

Article 7

18. Her Government, upon taking office, had appointed a woman to a Cabinet-level post. There were now two women ministers and a number of women legislators. Peru had a democratically elected Congress, and 7 of its 80 members were women. Women were also represented in all State agencies.

19. The new Constitution had given illiterate people the right to vote; since most illiterate people were women, that step had increased women's participation in public life. The crisis of confidence in traditional political parties and the rise of grass-roots and popular movements had enabled women to play a more prominent role as candidates. Nevertheless, most women were not involved in the fight for women's rights, which pointed to the importance of encouraging women leaders.

Article 11

20. While 81 per cent of the economically active female population was either unemployed or underemployed, the unemployment figures for women were only slightly higher than those for men. Discrimination against women in hiring was prohibited. While there had recently been an increase in the number of women in the workforce, 67 per cent were employed in the informal sector, an increase of 10 per cent from 1981 to 1991. The employment of women at the professional level had increased, but it had yet to reach desirable levels. A great deal of inequality persisted with regard to men's and women's occupations.

21. Her Government, with the support of UNICEF, was establishing child-care centres where some women would be paid to look after children so that other

women could have access to other kinds of employment. A number of women's organizations had also organized crèches.

22. Housewives were recognized as independent workers and were entitled to social security and health care. Old-age pensions could be drawn after age 55. The social security administration was endeavouring to collect statistics on the number of women who received such benefits.

Article 12

23. It was apparent from the studies which had been made that there had been progress in the knowledge and use of contraceptive methods and in awareness of responsible parenthood. Maternal and child health indicators had improved in urban areas, but were depressingly low in rural areas. At the State level, the National Population Council, the Ministry of Health and the Peruvian Institute of Social Security were responsible for policies on family planning. Despite all the campaigns which had been organized by the State and non-governmental organizations, however, women were still inclined to use the rhythm method of birth control.

24. On the question of abortion, the 1991 Penal Code emphasized the resocializing aspect of the penalties imposed for performing or undergoing an abortion. Under articles 114, 115 and 116 of the Penal Code, a woman who had an abortion was punishable by no more than two years' imprisonment, or was required to do community service. A person who performed an abortion with the woman's consent was punishable by imprisonment of one to four years, or two to five years if the woman died. The punishment for performing an abortion on a woman without her consent was imprisonment of three to five years, or 5 to 10 years if the woman died. The concept of therapeutic abortion had been broadened to include not only risk to the mother's life, but also serious risks to the mother's health. Peru regarded abortion as a public health problem and was combating it through family planning programmes designed to enable couples to decide on the number and spacing of their children. Induced abortion was the leading cause of maternal mortality, especially in the lower economic strata.

25. The maternal mortality rate had been 261 per 100,000 live births in 1993, representing a 19 per cent decline since 1981. The highest rates of maternal mortality were found among uneducated women: 489 maternal deaths per 100,000 live births. The main causes of maternal death were induced abortion and complications of childbirth associated with inadequate medical care. Only 53 per cent of births were assisted by medical personnel. Over the period 1981-1991, the average infant mortality rate had been 64 per 1,000 and the child mortality rate, 92 per 1,000. Infant and child mortality rates were higher for boys than for girls. There had been a decline in infant and child mortality in urban areas, associated mainly with the improvement in the educational level of mothers. In 1990 and 1991, the main causes of infant and child mortality for both boys and girls had been preventable and treatable; they included perinatal infections, acute respiratory infections, chronic diarrhoeal disease and nutritional deficiencies.

26. The HIV/AIDS epidemic was rapidly growing and spreading to ever-broader sectors of the population: the number of HIV-infected persons reported during

the biennium 1992-1993 had exceeded the cumulative total for the previous nine years. At least 60 per cent of recent HIV cases had been among heterosexuals. Infection rates were increasing among women and children, the latter as a result of the perinatal transmission of HIV/AIDS. At the same time, complications such as tuberculosis were on the rise, especially in poor areas. HIV/AIDS was concentrated in Lima and other major cities. In 1993, women with AIDS had accounted for 11.4 per cent of the total number of recorded cases. The risk of perinatal infection was three times greater for girls than for boys.

Article 14

27. A study carried out by the Ministry of Agriculture, with support from the Food and Agriculture Organization of the United Nations (FAO), showed that women's participation in agriculture was confined to working in the fields and that they were unable to obtain loans from financial institutions because gender stereotypes barred them from financial and marketing activities. However, there were areas of Peru where rural women were able to obtain loans, and it had been found that they were more likely than men to use the loans for the purposes for which they had been given and to make their payments promptly.

28. The Ministry of Agriculture, with the help of the Inter-American Development Bank, was carrying out a land titling project under which women working a piece of land could acquire ownership of it and secure access to credit and financing. A network of technical cooperation bodies and institutions was supporting rural women and providing financing for small projects. The Ministry of Agriculture was also carrying out programmes to give indigenous women access to resources. Social spending was being increased in the poorest areas to build up basic infrastructure, including health centres and schools, so as to promote development.

29. On the question of the public role of rural women and girls, Peru was establishing the institutions provided for in the 1993 Constitution and promoting decentralization. It was hoped that the new law on decentralization would recognize the de facto participation of women in the public life of provinces and departments.

Article 16

30. The Peruvian Civil Code, which had been in force since 1984, accorded equal treatment to men and women in all aspects of family law. In the event of divorce, the obligation of support ended, but if one of the former spouses did not have adequate resources, a judge could order the other spouse to continue to pay support. That obligation ended in the event of re-marriage. There had been cases in which men had been granted support payments.

31. Her Government, through the National Institute of Statistics and Information, was currently collecting statistics on the situation of women; consequently, it was not possible to provide statistics on divorce and child custody at the current stage.

32. The CHAIRPERSON commended the representative of Peru for her detailed presentation, which had been a great improvement over the presentation of the first report.

33. It was clear that the two major obstacles to the advancement of women in Peru were the legacy of terrorism and the problem of the foreign debt. It was encouraging that the Peruvian Government had made a commitment to implement the Convention and respect all its obligations and had taken measures to improve the status of women. Although the economic situation posed tremendous difficulties for women's rights, those difficulties could sometimes be overcome through political will. Greater commitment would be needed on the part of women in Parliament and in decision-making positions at various levels, so as to bring about improvements.

34. She had been very concerned to hear about the high rates of maternal and child mortality, and also about the increase in the incidence of tuberculosis. In view of the high maternal mortality rate resulting from illegal abortions, it seemed that the Government should consider more flexible legislation, providing for the right to choose, since the rigorous legislation in force had done nothing to stem the increase in illegal abortions. Although there were very serious problems of exploitation of women before and after emigration, the representative of Peru had not touched on the question of emigration.

35. It was gratifying that the efforts of the Peruvian Government to combat terrorism had had some success; she hoped that in the more stable conditions now prevailing, the Government would be able to guarantee women their rights, as well as access to education and family planning.

36. Ms. AOUIJ said that although Peru was experiencing political and economic problems, it seemed to be moving out of the period of instability and political crisis; peace was a prerequisite for social development. It was important for women to gain representation in the judiciary, so that they could help bring morality and ethics into the administration of justice. She hoped that the next report would include detailed information on women prisoners and an analysis of de facto discrimination against women.

37. Ms. BERNARD said that it seemed from the report that the main obstacles to women's advancement to the higher levels of government and decision-making were the conservatism and prejudice of men at the top.

38. Although paragraph 72 of the report indicated that the 1987 appointment of a woman as Attorney-General and member of the Supreme Court, at the proposal of the National Council of Judges, had not been ratified by the Senate, it appeared that there was now a woman in that post, which was commendable. It was gratifying, as indicated in paragraph 73, that a woman had been elected in preference to two men as Director of the Academy of Judges. The representative of Peru had also mentioned that a woman had been appointed to the post of Chief Prosecutor. Those were significant gains. However, it appeared that policewomen still had no access to the upper ranks of the police force and she hoped that steps would be taken to remedy that situation.

39. Paragraph 86 suggested that women would not be able to reach the higher levels of government until they became organized; it seemed, however, that the difficulty was one of male attitudes. Paragraph 80 referred to the reinstatement of a woman judge of the Higher Court; however, justice delayed was justice denied. The overall impression was that there was a need to re-educate and sensitize men to the role of women in government.

40. Ms. BUSTELO GARCIA DEL REAL noted that one of the objectives of the Permanent Commission for Women's and Children's Rights was the implementation of the Convention and the pursuit of the Government's goal of strengthening the institution of the family. She feared that in a context of scarce resources and low levels of development, such "strengthening" could be to the detriment of women's rights. She urged the Government to ensure that the family did not become an instrument for the subordination of women or for preventing them from seizing the same opportunities as men. Even in developed countries, women's share of family responsibilities was much greater than that of men, which made it impossible for women to enjoy true equality. It was essential for men and women to share responsibilities and decision-making fairly at all levels, as provided for under article 5 of the Convention. There was a need to overcome sex-role stereotypes, especially in education, in order to combat discrimination throughout society.

41. As the struggle against terrorism appeared to have been largely won and the economic situation looked more favourable, she hoped that Peru's next report would contain more statistical data on the evolution of women's status and on the practical implementation of the Convention, specifically with regard to legislation permitting therapeutic abortion in cases of rape, fetal abnormality or serious risk to the health of the mother.

42. Ms. KHAN expressed appreciation at the Peruvian Government's ratification of the Convention without reservations and its adoption of the Convention into its own national legislation, although she perceived a lack of coordination in the activities undertaken by the Government to implement the Convention. She also found the regional overview of the situation of Peruvian women, contained in part I of the report, to be helpful. She noted the sharp contrast between the status of urban and rural women, as well as the generally heavier burdens borne by women, especially in the marginal urban population.

43. It appeared that the average Peruvian woman had yet to enjoy the benefits of the political and economic reforms being advanced by the President. Solutions had to be found to the critical problems affecting women, especially women in the informal sector. She wished to know what kind of resettlement programmes were being undertaken for displaced upland women, and what percentage of those women were being reached by such programmes. She also requested information on the reasons for the failure of many of the credit programmes undertaken previously, as well as on what programmes and policies were being undertaken to implement specific provisions of the Convention.

44. Ms. SHALEV said that she was encouraged at the development of child-care programmes in cooperation with UNICEF, and at the removal of the legal double standard regarding adultery and divorce. At the same time, she joined Ms. Bustelo García del Real in expressing fears that the strengthening of the

family would take place at the expense of women's rights as individuals. In the responses to Committee members' questions, very little had been said to indicate that women were seen as anything other than mothers, wives or persons needing protection. Women also needed to be given the means to assert their individuality and determine the course of their own lives. To truly observe the spirit of the Convention, it was necessary to think of women as independent beings.

45. In view of the fact that access to contraception was limited and women in Peru were risking their lives and their freedom to obtain sorely needed abortions, she asked whether their reported preference for the rhythm method of contraception represented a genuine choice among meaningful alternatives. Broader interpretation of the therapeutic exceptions to the laws against abortion could provide greater access to safe abortions, without necessarily requiring changes in the laws themselves. Other possible means to the same end would include seeking the cooperation of doctors and medical organizations, and educating judges and lawyers about women's health needs.

46. Ms. MUÑOZ-GOMEZ asked for further information on programmes to protect women victims of the struggle against subversion, to assist underemployed women, and to provide rehabilitation and access to alternative sources of income for women released from imprisonment for involvement in low-level drug trafficking.

47. Ms. ABAKA endorsed the concerns expressed by members of the Committee regarding the need to consider the health needs of women as individuals, as a prerequisite for meaningful development. She requested information on the effects of structural adjustment on the status of women working in the informal sector and suggested that the World Health Organization should be informed of the recent increase in tuberculosis in Peru. She also urged the Government to continue its decentralization efforts, as those would provide more opportunities for women to take part in the decision-making process at the community level.

48. Ms. ESTRADA CASTILLO asked whether the women at high levels of the current Peruvian Government had real power, and whether women detainees had a real possibility of reintegration into society.

49. Ms. JAVATE DE DIOS noted the extensive information provided on the situation of women detainees and the abuses committed during the fight against subversion, and welcomed the steps being taken by the National Human Rights Council to punish the perpetrators of such abuse. She asked for information on the number of military personnel arrested or under investigation in that connection, as well as on measures to protect women and children from being caught in the fighting in emergency zones, long-term programmes to integrate displaced persons, the existence of a gender-disaggregated national register of detainees, and assistance to the affected families. She also suggested that the time had come for human rights education programmes targeting all sectors of society. She applauded the Government for its restoration of constitutional processes, despite continuing instability, and for the creation of the National Human Rights Council. She hoped that the freedoms of association and assembly would not be curtailed and that opposition groups would be distinguished from terrorists in being allowed to participate meaningfully in governance. She inquired about the position of the armed forces vis-à-vis the civilian

Government, and expressed her desire to see further information, in the next report, on the progress made against illiteracy, unemployment, prostitution and drug trafficking.

The meeting rose at 1.15 p.m.

UNITED
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Convention on the Elimination of All Forms of Discrimination against Women

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17 February 1995

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 276th MEETING

Held at Headquarters, New York,
on Friday, 27 January 1995, at 3 p.m.

Chairperson: Ms. CORTI

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WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

OTHER MATTERS

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95-80220 (E)

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The meeting was called to order at 3.10 p.m.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

1. Ms. HEYZER (Director of the United Nations Development Fund for Women (UNIFEM)), drawing attention to the document entitled "Towards a Women's Development Agenda for the 21st Century", said that it was important for the international women's movement to determine what forms future development should take. The agenda was not just for women; it was a vision by women for the future of humanity. It identified five areas upon which efforts should be concentrated: economic restructuring that empowered women, creating sustainable livelihoods, building stable lives and healthy communities, peace building and conflict resolution, and ethical governance and respect for civil society.

2. There was much common ground between the women's development agenda and the issues dealt with by the Committee on the Elimination of Discrimination against Women; indeed, the agenda could be seen as a vehicle for the operationalization of the Committee's principles. Many of the articles of the Convention on the Elimination of All Forms of Discrimination against Women dealt with issues on which UNIFEM had been working for 20 years.

3. In preparing for the Fourth World Conference on Women, UNIFEM and the Committee must examine ways of working together. UNIFEM was committed to playing a greater role in lobbying for greater support for the Committee and in disseminating the Committee's findings, and it was willing to set up task forces on the national level. She would welcome guidance from the Committee as to how to go about such a task.

4. Ms. AOUIJ said that it would be useful if, when examining a report from a State party, the Committee could have information from UNIFEM regarding the results of its cooperation with that State or with relevant non-governmental organizations. She also suggested that UNIFEM and the Committee should agree on a theme for a joint workshop to be held during the Fourth World Conference on Women.

5. Ms. ABAKA said that if it had more resources UNIFEM could do even more than it did at present. The Committee should give serious consideration to what could be done to help UNIFEM attain the same status as the United Nations Children's Fund, so that it could implement its programmes more effectively. In that connection, she expressed the hope that UNIFEM would be able to assist in financing the translation of the Convention into the numerous local languages at the national level.

6. Ms. OUEDRAOGO agreed that the translation of the Convention into local languages was very important.

7. Ms. KHAN said that although more than 140 countries had ratified the Convention, Governments of developing countries often failed to fulfil their substantive obligations under the Convention, and remained indifferent to the need to disseminate information about the Convention to the public. As a

result, even highly educated women were often unaware of its existence. It was important to raise awareness among women's groups by organizing special workshops in towns and in more remote areas. UNIFEM could also help to mobilize public opinion, and to sensitize policy makers and Governments by making the latter aware of the responsibilities they had assumed under the Convention.

8. Ms. JAVATE DE DIOS said that, because of its international network of development programmes, UNIFEM would be the perfect partner in developing a systematic lobbying strategy on the regional and national levels for strengthening the mandate of CEDAW. Furthermore, UNIFEM could work closely with CEDAW on the follow-up to its recommendations made on the reports of States parties, and it could support the initiative for the draft optional protocol to the Convention. Another very important area for collaboration was the research and further refinement of an alternative, sustainable, human-centred and gender-sensitive development paradigm.

9. Ms. ESTRADA CASTILLO said that, in Latin America and the Caribbean, in the Andes subregion in particular, UNIFEM could allow CEDAW to use its infrastructure to inter alia organize events designed to raise women's awareness of their rights under the Convention and to provide training to legislators, judges, and non-governmental organizations.

10. Ms. BARE said that UNIFEM could assist national mechanisms to conduct seminars and workshops on the Convention. Not all countries of the Southern Africa Development Community (SADC) had ratified the Convention, and such workshops could prove very useful in getting more States to accede to it.

11. Ms. BUSTELO GARCIA DEL REAL said that the activities proposed thus far would cost money, and that UNIFEM was always short of resources. A national committee for UNIFEM was being established in Spain for the purpose of raising public awareness of UNIFEM and raising funds for it and for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The observance of the fiftieth anniversary of the United Nations would provide a good opportunity for similar action in other countries of the European region.

12. Ms. SCHÖPP-SCHILLING said that the German National Committee for UNIFEM had had difficulty obtaining funds from the Government. In the current financial climate, UNIFEM and CEDAW might enhance their prospects of raising funds from industrialized countries if they joined forces.

13. The CHAIRPERSON said that UNIFEM had played a major role at the World Conference on Human Rights in helping to make the Convention known. The long-term prospects for cooperation between UNIFEM and CEDAW were highly encouraging.

14. Ms. HEYZER (Director, United Nations Development Fund for Women (UNIFEM)) said that although it had been in existence for 20 years, UNIFEM still was not taken seriously. Member States must fulfil their commitment to provide resources so that UNIFEM could carry out its mandate, which was to empower women. She would keep the Committee informed of concrete ways to make the partnership between CEDAW and UNIFEM work.

15. The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

OTHER MATTERS

16. Ms. BUSTELO GARCIA DEL REAL pointed out that it was not clear from the summary records of the thirteenth session that General Recommendation No. 21 had, in fact, been adopted; they should be corrected.

The meeting rose at 4.30 p.m.

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ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 277th MEETING

Held at Headquarters, New York,
on Monday, 30 January 1995, at 10 a.m.

Chairperson: Ms. AOUIJ
(Vice-Chairperson)

later: Ms. CORTI
(Chairperson)

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

ORGANIZATION OF WORK

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95-80226 (E)

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In the absence of Ms. Corti, Ms. Aouij, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Third and fourth periodic reports of Norway (CEDAW/C/NOR/3 and CEDAW/C/NOR/4)

1. At the invitation of the Chairperson, Ms. Vollset and Ms. Kverneland (Norway) took places at the Committee table.

2. Ms. VOLLSET (Norway), introducing her country's fourth periodic report (CEDAW/C/NOR/4), said that it drew largely on Norway's national report to the forthcoming Fourth World Conference on Women. There was overall agreement among politicians in Norway on the importance of gender equality as a goal and on the main measures needed to attain that goal. Priority areas being addressed in that effort were child-care policy, equal pay, and the abuse of women and sexual violence. Significant results had already been achieved in the interrelated areas of child care and men's roles in gender equality policies.

3. Gender equality was seen in Norway not only as a question of equal rights for individuals, but also as an effective use of human resources in all fields. Efforts in that area must therefore be designed not only to prevent discrimination, but also to build the social infrastructures that would enable men and women to participate in the full range of social life, rather than being assigned to particular arenas according to traditional gender roles.

4. Norwegian women had entered the labour force and politics, but still bore a heavy burden because the amount of time which men spent on household tasks had not increased and the time they spent with small children had increased only marginally. Family obligations thus accounted for much of the persistent inequality in men's and women's wages and career opportunities. Finding a new role for men had therefore become a priority. Since few men had availed themselves of parental leave privileges, it had been decided in 1993 to require fathers to take a minimum of four weeks' of the parental leave accorded to families at full or near-full pay. That was expected to change men's relationships with their children, as fathers availed themselves increasingly of parental leave. The Government was also considering the possibility of giving fathers parental leave that was not determined by the mother's participation in the labour force and of encouraging men to work in the caring professions so that men and women would be more equally distributed in those fields. Some pressure needed to be put on men in the interests of attaining gender equality.

5. While male-female wage differentials were generally small in Norway, there had been set-backs in that area in the 1980s. The gender segregation of the labour market demanded that measures be taken on the larger economic level. The Government was working to improve pay and working conditions in traditionally female sectors of the economy and to influence wage negotiations between labour

and management. It had assigned priority to integrating gender-disaggregated statistics into the official collective bargaining document, increasing public awareness and the exchange of information among decision makers in the area of pay equity, and developing non-discriminatory job-evaluation tools for use throughout the labour market. Legislation was most effective in securing individual rights, and women were being encouraged to use it to secure equal pay.

6. The Government's main strategy for achieving gender equality was the mainstreaming of the gender perspective in all spheres of politics and public administration. Gender equality policies should be considered at the early stages of all policy development, so as to influence the decision-making process more effectively. Mainstreaming implied both the goal of and the strategy for achieving full and equal partnership for women and men in all spheres and at all levels of society. Prerequisites for successful mainstreaming included the treatment of gender-relevant issues as a distinct aspect in all areas of concern, clearly defined responsibility for follow-up, the integration of the gender perspective into everyday work and mainstream policy-making, and the active use of recruitment policies to achieve good gender balance. The strategy had thus far achieved good results, and its implementation was to be expanded into local and regional administration. However, by far the most important element of gender equality strategy was to ensure that government members gave high political priority to matters of gender equality.

7. Turning to the Committee's questions and to the general question about the concept of equality in the Norwegian Constitution and legal system, she said that the Constitution was gender-neutral and contained no explicit provisions regarding gender issues. The Government was currently considering the incorporation of several human rights conventions, among them the Convention on the Elimination of All Forms of Discrimination against Women, into national law. Meanwhile, equality between the sexes was regulated by the Gender Equality Act of 1978.

8. In response to the question as to whether the economic changes in the country had affected the distribution of social investments in programmes affecting women, she said that despite a strained budgetary situation, important reforms had been implemented to harmonize work and family responsibilities and to strengthen child care. Increased awareness of the gender dimension among politicians and administrators, as a result of the mainstreaming policy, had served to counteract the negative impact of economic change on women.

Article 2

9. Ms. KVERNELAND (Norway), responding to the question about increasing the number of women in traditionally male-dominated areas, said that while the Gender Equality Act had previously permitted affirmative action only in favour of women, the Government was now proposing amendments to allow some limited form of affirmative action in favour of men in professions related to child care, education and child welfare.

Article 3

10. In response to the question about the continued exemption of religious communities from the Gender Equality Act, she said that such exemptions were based on constitutional provisions allowing for the free practice of religion. The appointment of clergy, preachers and chaplains was exempted from the Act, but not that of staff whose tasks were not connected with religious practice. The Act also served as a guideline for family life, as the family was not regarded as a religious community.

11. Responding to the question about programmes to assist immigrant women who were victims of abuse, she said that since the phenomenon appeared to be limited to the capital city, no special programmes had been implemented and emphasis was placed instead on integrating immigrant women into existing services and mainstream programmes. In Oslo, a privately funded resource centre for immigrant and refugee women, including victims of family abuse, served as a useful link between immigrant women and the Norwegian authorities.

12. Ms. VOLLSET, in response to the question about measures to protect welfare programmes for women from cut-backs in national insurance and welfare schemes, said that the Government was seeking to allocate resources more efficiently so that the welfare state would be better able to adapt to the needs of a rapidly changing society. In so doing, special attention would be paid to the effects on women of any welfare cut-backs, since the promotion of equality between men and women would continue to be a primary objective of government policy. It was too early to discuss the process in detail, but the Government intended to address perceived shortcomings in the present system by promoting welfare recipients' participation in society with a view to their becoming self-supporting through work, increasing educational benefits to encourage recipients to improve their job qualifications, increasing benefits to cover child-care expenses, and increasing benefits for those who were unable to work because they had to care for children. Entitlement to benefits should be made contingent on recipients' availability for work or enrolment in job training. Recent increases in such benefits as the child-care benefit, the educational benefit and the minimum pension were advantageous to women.

Article 4

13. Ms. KVERNELAND, replying to questions about the extent of the application of affirmative action, the sectors where there were major obstacles, the benefits that had resulted from such action and the sectors where the presence of women had increased, said that the Gender Equality Act included a provision requiring a minimum of 40 per cent representation of each sex on all official committees, boards and councils. Although political parties were not bound by that provision, all the major political parties had adopted gender quotas on a voluntary basis during the 1980s, and women's political participation had increased. Men and women alike tended to refuse more than one term of office, particularly at the local level, owing to the heavy workload involved. Measures to improve that situation were being implemented and were expected to make local politics more attractive to politicians with work and family obligations. Since the early 1980s, women candidates had been given preferential treatment in sectors where women were numerically underrepresented, when their qualifications

were essentially identical to those of male candidates. Affirmative action was permitted but not prescribed in the fields of employment and education. However, a recent research project had found that it had not been applied to any extent in either of those fields. There had been few instances of recruitment involving the express use of affirmative action, even in the public sector. Employees and their organizations took a positive view of the affirmative action system and believed that it had an indirect effect on recruitment and promotion, whereas employers tended to take a less favourable view. Out of 16 larger private enterprises studied, only two had a quota system. Using the phrase "women are encouraged to apply" when advertising posts had proved effective.

14. The need for preferential treatment in education had decreased as other factors ensured that women pursued all types of studies. Women now accounted for the majority of students in higher education. Problems affecting both men and women persisted in traditionally gender-segregated occupational areas. Most technical colleges applied moderate quota systems.

15. The major obstacles were that preferential treatment had been insufficiently incorporated into collective agreements and regulations in the public sector, while in the private sector there was a general reluctance to accept any government interference.

16. Women's employment had increased primarily in the public, social and private service sectors. Women accounted for two thirds of the workforce in those sectors, which employed over 50 per cent of all working women. The wholesale and retail trade, restaurants and hotels were the second largest employer of women and were increasing in importance. The structural changes in the labour market in the 1980s had benefited female-dominated occupations and women's employment. Thanks to a gender-segregated labour market, rising unemployment had affected women less than men.

17. With reference to the Ombud's call for a more effective affirmative action policy, she said that the view of the previous gender equality Ombud, as presented in Norway's third periodic report, had been that existing affirmative action measures should either be strengthened, in order to make them fully effective, or abolished altogether, since existing arrangements gave the general public a quite unrealistic idea of women's chances in the labour market. The Ombud had expressed concern that the proposed amendments to the Gender Equality Act, to allow affirmative action in favour of men in a limited number of occupations, could alter the current balance in favour of men. The present Ombud considered that the positive effects of such action, which would activate men's potential for caring, help to counteract strict gender-segregation in the labour market and give children a less biased view of gender roles, would, in time, have a positive influence on gender equality.

18. The Gender Equality Ombud had also expressed concern, in the third report, about the enforcement of the quota system in collective agreements. She had felt that measures might be more effective if she was given the authority to monitor their application. The legalization of equal status plans of action was under consideration and would mean that employers, in cooperation with employees' organizations, would have to fulfil their obligations through agreements involving preferential treatment.

Article 6

19. Ms. VOLLSET, speaking in reference to sexual abuse, said that several studies of the issue had been carried out, but that findings differed according to the theoretical framework. Violence was viewed by psychoanalytical studies as a consequence of individual history. In systems theory, the generational perspective was important and childhood victimization was seen as explaining subsequent behaviour. The feminist perspective focused on the power relationship between men and women. All the evidence pointed to the fact that the gender/power relationship and family patterns were central to an understanding of the prevalence of sexual violence in society.

20. With reference to the study conducted on prostitution, she said that the national authorities had recently given the National Centre on Prostitution responsibility for developing strategies to prevent prostitution. The Centre, established in January 1994, was currently awaiting the results of another study which analysed the mechanisms of supply and demand of prostitution services in connection with large sports events. The study's findings would be based mainly on research in connection with the 1994 winter Olympic Games.

21. In response to the request for more information on the seminars held for police, health and social officials, and on attempts to rehabilitate prostitutes, she said that the National Centre on Prostitution was currently responsible for the upgrading and dissemination of knowledge on prostitution. The Centre had organized two regional seminars for staff of the various welfare services. Attempts to "rehabilitate" prostitutes included providing general information, guidance, economic assistance, vocational training, psychological help, participation in self-help groups and/or individual support schemes, and the development of alternative career plans.

22. Turning to the issue of child abuse, she said that measures targeting abusers were described on pages 32 and 33 of the fourth report. The Ministry of Social Affairs had provided funding for three treatment projects for persons convicted of sexual crimes. A reference group would evaluate those projects and present proposals for the treatment of sexual offenders. The role of men as abusers and the abuser-victim relationship were the subjects of a research programme on sexual violence. An interdepartmental seminar on the development of preventive measures for dealing with abusers was being prepared. Violence in the private sphere was covered by the general provisions of the Penal Code relating to assault, bodily harm, rape, etc. Sexual abuse of children was covered by special provisions of the Penal Code. The age of sexual consent was 16.

23. On the question of sex business in Norway and government policy in that respect, sex business was assumed to be comparatively limited in Norway. In recent years, a tendency towards more hard-core pornography had been observed, and it was also assumed that prostitution might have increased. The Government was seriously concerned at the various forms of sex trade, and had focused on combating child pornography and prosecuting those who profited from prostitution. Penal Code provisions relating to pornography and pimping had been tightened, and the authorities had initiated and supported several projects

aimed at both preventing prostitution and motivating prostitutes to leave the trade. Further details could be found in the fourth report.

Article 7

24. Ms. KVERNELAND, referring to the public reaction to the 40 per cent quota for each sex on all publicly appointed boards, councils and committees and the efforts being made to ensure that women actually benefited from that policy, said that there seemed to be general agreement that, for democratic reasons, men and women should be equally represented on such bodies. In 1993, the average percentage of women on boards and committees appointed by governmental bodies had been 39 per cent, while it had been 36.4 per cent on boards and committees appointed by local government. The quota provisions in the new Local Government Act should increase the number of women on boards and committees appointed by local government. Women were still underrepresented on such bodies in a number of traditionally male-dominated fields such as defence, foreign affairs and trade. There should be stricter enforcement of quota provisions in those sectors.

25. On the question of women and power, there was considerable concern about the small number of women at the managerial level in the private sector. In the 100 largest enterprises, there were no women executive directors and only 10 per cent of board members were women. Women seemed to prefer the public to the private sector.

26. Women accounted for 52 and 55 per cent respectively of the total number of students enrolled at universities and colleges. In the traditional male bastions which often led to high managerial positions, namely, law, economics and engineering, women accounted for 53 per cent, 30 per cent and 38 per cent of candidates respectively. It was hoped that that would have an impact on the future numbers of women at the managerial level in trade and industry.

27. Trade unions and employers' organizations were paying increased attention to the lack of women in high positions in private enterprise. Some enterprises had introduced women's training programmes, but a comprehensive approach to increasing the number of women in senior management positions was lacking. A high proportion of women in Norway belonged to unions, but far fewer women belonged to employees' organizations.

28. The media gave access to power, and the number of women journalists had increased dramatically in recent decades: in 1992, women had accounted for 33 per cent of journalists. The percentage of women among media students was currently 58 per cent. Women's participation in politics had made women and women's interests more visible in the media, which had clearly contributed to the degree of equality currently enjoyed by Norwegian women. In recent years, the State radio and television monopoly had given way to a variety of broadcasters, some of them commercial, bringing to the fore the question of the impact of the media on society and the extent to which they should be regulated. An action programme on media violence was being prepared and would address the impact of such violence on vulnerable groups such as children and young people, as well as the portrayal of women, sex roles and gender relations.

29. With respect to the substantive changes brought about by the increase in the numbers of women in the public sector and politics, the most obvious change was the progress achieved in the field of family policy, particularly with regard to opportunities to reconcile work and family responsibilities. There had been a rapid expansion of government-subsidized child-care institutions, and in 1986, parental leave had been extended from 18 to 42 weeks on full pay or one year with 80 per cent pay. The costs were covered by social insurance, not by employers. The time account scheme and the father's quota were other important reforms which might not have taken place without a large number of women in political life.

Article 10

30. Ms. VOLLSET, replying to the question about educational programmes for single mothers, said that, on the whole, single mothers were better educated than married women. Those with children up to the age of 10 were entitled to benefits whether or not they were pursuing their education. Single parents were also entitled to benefits under the National Insurance Scheme to cover education-related costs, when education was considered necessary to qualify them for the labour market. Students were entitled to favourable State loans while studying, and single parent students could thus add substantially to their income from benefits under the welfare scheme.

31. On the issue of government support for women's studies, since the 1980s the Government had taken responsibility for increasing the number of women researchers in all fields, supporting women's studies curricula and introducing them in educational institutions and elsewhere. Progress had been made in institutionalizing women's studies, but problems remained in integrating such courses of study in university and college curricula, and in making the results useful for the education of children and youth.

Article 11

32. Ms. KVERNELAND, referring to women's participation in non-traditional fields, said that projects aimed at increasing such participation had been an important part of the gender equality policy of the 1980s. Such projects were described in the third report. The so-called BRYT policy had not, however, radically altered gender behaviour with regard to education and occupation. Structural changes and increasing unemployment in many male-dominated sectors had brought about a change of perspective. Care was being taken to give equal importance to tasks traditionally undertaken by women, and in the 1990s, priority was being given to improving pay and working conditions in traditionally female-dominated sectors and occupations. However, women entrepreneurs were actively supported and there were still measures to encourage women to choose traditionally male-dominated occupations in primary industries.

33. The question about reducing persistent occupational and wage differentials had been answered in her opening statement. Pay equity was still a matter of great concern. Efforts had been made to address the gender issue and the wage gap in unions, employers' organizations and the collective bargaining system. Statistics about the wage gap were integrated in the document that formed the basis for collective bargaining. Present policy was not to change women's

career choices, but to improve working conditions and pay in traditional female sectors, which implied recognition of women's values and preferences. The Government considered that legislation, which was aimed primarily at securing individual rights, played a rather limited role in eliminating the wage gap. However, the relevant legislation was being improved to make it more effective. The Government planned to introduce provisions on gender equality action plans which would apply to employers who employed a certain minimum number of staff. Another project was the production of a "checklist" on equal pay, which would be a practical tool for parties working towards the achievement of equal pay.

34. She considered that the explanation for the significant rise of women in the political hierarchy, while discrimination persisted in the area of employment, had been given in the answers to other questions, for example, those referring to articles 4, 7 and 11.

35. Ms. VOLLSET, on the issue of pensions, said that the Norwegian pension system provided a basic pension for all citizens, regardless of their original source of income, and a supplementary pension based on earned "pension points" which was calculated each year according to income and paid for through taxes. The difference between men's and women's rates of pay and years of participation in working life was therefore reflected in a difference in their pensions. There were no current plans to change that system. Supplementary pension points were given to people who were born handicapped and to people who were caring at home for children under 7 years of age or for elderly or handicapped persons. Supplementary points for such caregiving would not be reflected in women's pensions for some years to come, but the pension gap would steadily diminish.

36. Turning to immigration policy and the rights of immigrants in Norway, she said that approximately 30 per cent of all immigrants in Norway lived in Oslo, where they constituted 14.7 per cent of the population. The basic objectives and principles of Norwegian immigration policy, which was based on genuine equality of status for immigrants and Norwegians, were enshrined in a white paper which had been endorsed by Parliament. Family members of immigrants with a legal residence permit were generally entitled to work. Most immigrants worked in industry and public services. Those from developing countries were clearly overrepresented in certain sectors such as hotels and restaurants, cleaning and certain manufacturing industries. Immigrants were more likely to be affected by unemployment than Norwegians. In order to use the qualifications of immigrants fully and promote their effective integration into Norwegian society, various courses in the Norwegian language were offered and a number of projects targeting immigrant women were conducted at the municipal level. Special training and educational schemes were also conducted for immigrants in the employment service system.

37. Ms. KVERNELAND, replying to the question about the compensation paid to women as a result of discrimination in the workplace, said that, under the Gender Equality Act, any woman who had been exposed to discriminatory treatment could sue her employer for compensation for economic loss resulting from such treatment.

Article 16

38. Concerning the amendment of section 228 of the Penal Code, to permit unconditional prosecution of family violence, she said that while no statistics were available on its effects, there was reason to believe that the number of prosecutions against violent spouses had increased. Statistics from the early 1980s showed that prior to the amendment, almost half of the women who had reported violence committed by their spouses had not requested prosecution or had later withdrawn that request. With respect to paternity leave and fathers' access to their children, she noted that, according to Norwegian time-use surveys, while young fathers spent more time with their children than had been the case 20 years previously, fathers of young children spent more and more time doing paid work and topped the statistics for overtime work. Since April 1993, when four weeks of the paid parental leave had been reserved for fathers, there had been a significant increase in the payment of parental benefits to fathers, which showed that they were availing themselves of that allowance. While no centralized records were kept of complaints by fathers that they had been denied access to their children and there was no information on the number of fathers affected, a recent study indicated that fathers often simply did not exercise their right of access and that sabotage of the right of access by the custodial parent was an infrequent occurrence.

39. The CHAIRPERSON thanked the representatives of Norway for their exhaustive answers to the questions raised by members of the Committee and noted that Norway was highly regarded, not only by the Committee but also by women throughout the world, as a pioneering country in the area of women's rights. Norway's strategies to integrate the gender dimension into all areas, and its affirmative action policy to narrow the gap between men and women in most areas of the public sector and in certain areas of the private sector, were most enlightening. However, there were still some obstacles and the issue of pay equality was of the utmost concern to the Committee.

40. Ms. MAKINEN noted that, as a result of the welfare state, remarkable strides had been made by Norwegian women in every sphere of public life. Despite Norway's solid record in the area of equality legislation, however, discrimination persisted, especially in the labour market where there were considerable differences between the earnings of men and women. In its next report, Norway should provide more statistical information and more analyses on its achievements in the area of equality. More information should also be provided concerning the Committee's general recommendations, especially recommendation 13 on equal pay, recommendation 18 on the situation of disabled women and the prospects for ensuring that their rights were respected in Norway, and recommendation 19 on violence against women. She would also appreciate more information on the amendments to equality legislation and the role of governmental authorities in supervising equality policy.

41. Ms. SCHÖPP-SCHILLING, expressing concern about the restructuring of the welfare state, said that the next report should provide more details on how that restructuring affected women. The next report should also provide more information on Norway's efforts to achieve recognition of the worth of women's work, which was generally undervalued. Regarding the mainstreaming of gender policy, she wondered whether the various procedures for the early consideration

of the gender dimension in the policy formulation process had been laid down by law or whether they were simply the outcome of a Cabinet consensus. If the latter, the Government would do well to either incorporate them into its overall policy, enact legislation thereon or amend the Gender Equality Act in that regard.

42. Ms. BUSTELO GARCIA DEL REAL said that the high percentage of women, compared to men, who worked part time and the much lower percentage of women in decision-making positions in the private sector, as compared to the public sector, particularly politics, showed that gender stereotypes had still not been completely overcome. In the next report, she would appreciate further information on those two issues, which seemed to reflect obstacles which were difficult to overcome even in a country with a very broad-based policy of equality. Regarding article 6 of the Convention, Norway should indicate in its next report whether it had taken any special measures to protect migrant women from the kinds of abuse which might stem from trafficking in persons.

43. Ms. JAVATE DE DIOS hailed Norway's novel approach to addressing women's equality by persuading men to assume their parental responsibilities; that was a model to be emulated by other countries. Noting that Norway was taking a holistic approach to the problems of prostitution and trafficking in women by looking at both the problems of women in that sector and the responsibilities and attitudes of men towards prostitution, she asked whether information could be provided in the next report on any cases of trafficking in women and any measures taken by the Government in that regard. She would also like more details of Norway's official development assistance and assistance to women-oriented projects in developing countries, and wondered whether Norway's official development assistance could be used to exert a moral influence and promote the Convention in recipient countries. The representatives of Norway should also explain how the core values and programmes developed over the years in the struggle for women's equality were being transmitted to the next generation of Norwegian women and men.

44. The CHAIRPERSON said that Norway provided an ideal example of the integration of women into public decision-making and public life. As a result of women's participation and influence in public life, issues such as child care, paternity leave and equal pay had been mainstreamed. Women's participation at all levels of decision-making was well above what the Committee regarded as the critical threshold. Despite all those advances, however, there were still some areas of concern to the Committee, particularly the issue of wages and salaries. Other countries which were less advanced than Norway in the area of equality had tackled that issue successfully, and the Committee hoped that by the time it submitted its next report, Norway would have found solutions to that problem as it had to with so many other problems.

45. Ms. VOLLSET (Norway) said that answers would be provided to most of the supplementary questions in her country's next report. Responding to the question about the mainstreaming of the gender dimension in the policy-making process, she noted that that was simply the result of a consensus. Efforts were being made to ensure that mainstreaming was included in as many public administration documents as possible. Her Government believed that such an approach was more effective than making abstract declarations. With regard to

part-time work, it was more important to know whether women's decision to work part time was the result of actual discrimination or personal preference. Concerning what the Government was doing to transmit its values to the next generation of Norwegians, she said that the fact that her Government's efforts to shift the focus of parental responsibilities towards men had elicited the greatest enthusiasm from the youngest generation of men was a very encouraging sign.

46. Ms. Corti took the Chair.

ORGANIZATION OF WORK

47. The CHAIRPERSON noted the need to expedite preparation of the Committee's report so that it could be adopted in a timely manner. In connection with its participation in the Fourth World Conference on Women: Action for Equality, Development and Peace, to take place in September 1995 in Beijing, the Committee might wish to take account of the conclusions and recommendations adopted by the Committee on the Rights of the Child at its eighth session. The Committee on the Rights of the Child had, inter alia, stressed its role in defending the rights of the girl child and the importance of links with the Committee on the Elimination of Discrimination against Women. The text of the conclusions and recommendations would be circulated.

48. The Committee would also need to prepare an analysis of article 10 of the Convention in connection with both the Beijing Conference and an upcoming meeting in Paris with the United Nations Educational, Scientific and Cultural Organization (UNESCO). That meeting, along with a workshop to be conducted with UNESCO in Beijing, would focus on the significance of education in the empowerment of women.

49. She had received a communication from the United Nations Development Fund for Women (UNIFEM) proposing permanent cooperation with the Committee. Lastly, she urged the members of the two working groups to expedite their work to allow time for their recommendations to be consideed by the Committee.

The meeting rose at 12.45 p.m.

The meeting was called to order at 5 p.m.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (continued)

1. Ms. SCHÖPP-SCHILLING, Rapporteur, said that since the relevant section of the Committee's draft final report was not available, the Committee would not have time to complete work on the concluding comments. Accordingly, she proposed that the Committee should suspend, just for the current session, its practice of drafting concluding comments. Those members who had already drafted comments could give them to the Rapporteur so that they could be incorporated into the Committee's report.

2. Ms. BERNARD said that she could agree to suspend the practice for the current session given that the relevant section of the draft report was not yet available. The concluding comments could be condensed and their substance reflected in the section on suggestions and recommendations.

3. Ms. BARE agreed that it would be difficult to discuss the concluding comments in the absence of the draft report.

4. The CHAIRPERSON said that it was very late in the session to be proposing that the concluding comments should be dispensed with.

5. Ms. AOUIJ said that she was deeply concerned by the idea of dispensing with the concluding comments. Those comments contained the essence of the debate between the States parties and the Committee, and were of primary importance to the visibility of the Committee; moreover they provided very useful guidance to the States parties. So important a part of the Committee's work must not be neglected.

6. Ms. BUSTELO GARCIA DEL REAL suggested that the Committee should concentrate on the concluding comments for the remainder of the session.

7. Ms. OUEDRAOGO supported by Ms. KHAN said that they could not agree to suspending the practice of formulating concluding comments.

8. Ms. AYKOR said that the concluding comments were extremely important. She urged the Committee to do its best to complete them at the current session.

9. Ms. MUÑOZ GOMEZ said that the Committee should draw up guidelines for the concluding comments, detailing what they should include.

10. Ms. GARCIA-PRINCE said that suspending the practice of drafting concluding comments would seriously limit the Committee's functions. It should instead be seeking to expand those functions.

11. Ms. KASCHITZ (Division for the Advancement of Women), responding to a question from Ms. SCHÖPP-SCHILLING, said that, in accordance with a decision taken by the Committee at its thirteenth session (A/49/38, para. 816), concluding comments were to be incorporated into the Committee's report and

would not be distributed separately to States parties. As a rule, once the report had been translated, it was available to Committee members and States parties alike.

12. Ms. ABAKA said that the entire purpose of the concluding comments would be defeated if they were communicated to States parties as part of the Committee's report. The comments were intended to provide interim guidance to States parties. She inquired about the status of the comments which had been carried over from the previous session.

13. Ms. CARTWRIGHT said that the Committee should at least complete work on the comments which it had been unable to complete at its thirteenth session.

14. Ms. SINEGIORGIS pointed out that the Committee had already been advised by the Secretariat (CEDAW/C/SR.266, para. 49) that it would be improper to defer consideration of concluding comments to the following session. Accordingly, she proposed that the Committee should expedite work on the comments - perhaps through increased cooperation by members who had a particular interest in certain comments - adopt the comments at the current session and transmit them forthwith to States parties.

15. It was so decided.

OTHER MATTERS

16. Ms. BUSTELO GARCIA DEL REAL reiterated her request of a few days earlier for information on how summary records were prepared and when they would be available to Committee members and others for review. As an illustration of the problem, she noted that the summary records of the thirteenth session did not contain any mention of the Committee's decision to incorporate concluding comments into its report and, in fact some of the records were not available.

17. Ms. KASCHITZ (Division for the Advancement of Women) said that she did not have specific information on the production of summary records at United Nations Headquarters. She had only recently been able to complete her set of summary records of the thirteenth session.

18. Ms. ABAKA stressed that the availability of summary records was vital not only for Committee members but also for representatives of States parties who must verify their accuracy.

19. Ms. BUSTELO GARCIA DEL REAL pointed out that a Spanish version of the Convention on the Elimination of All Forms of Discrimination against Women, which was part of a kit for the Beijing Conference, had omitted the phrase "including information and advice on family planning" from article 10 (h). She requested a correction.

20. Ms. SCHÖPP-SCHILLING proposed that the issues concerning summary records, the incomplete Spanish translation of the Convention and the concluding comments should be referred to working group I.

The meeting was adjourned at 6.05 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 279th MEETING

Held at Headquarters, New York,
on Tuesday, 31 January 1995, at 10 a.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

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WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

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In the absence of the Chairperson, Ms. García-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Special report of Croatia (CEDAW/C/CRO/SP.1)

1. The CHAIRPERSON recalled that at its twelfth session, the Committee, being deeply concerned by events in the territory of the former Yugoslavia affecting the human rights of women, having noted that all women within the territory of the former Yugoslavia were entitled to the guarantees of the Convention, and finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, had decided, inter alia, that it should, pursuant to article 18 of the Convention, request the States of the territory of the former Yugoslavia to submit a report or reports, on an exceptional basis, for consideration at its thirteenth session. In addition, the Committee had put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world. The Republic of Croatia had been unable to submit a report at the thirteenth session, in view of which its reporting obligation had been rescheduled to the current session.

2. At the invitation of the Chairperson, Ms. Sremic and Ms. Matek (Croatia) took places at the Committee table.

3. Ms. SREMIC (Croatia), introducing the report of Croatia submitted on an exceptional basis (CEDAW/C/CRO/SP.1), said that the report, which was the first submitted by Croatia to the Committee, reflected a complex situation which differed from one part of the country to another. Some parts of Croatia had not been affected by the armed conflict, others had suffered some attacks, while others had been constantly exposed to destruction and ethnic cleansing.

4. The Republic of Croatia, the victim of brutal Serbian aggression, was determined to restore its sovereignty over its territory by peaceful means. The Republic of Croatia did not control its entire territory, some areas having been designated United Nations Protected Areas, which prevented the Government from assuming full responsibility for the protection of human rights in those areas. The precarious circumstances in border areas made it difficult to maintain law and order, although the Government had sought to promote restructuring towards a market economy, political democracy and the rule of law.

5. Croatia had become a party to the Convention, as well as to almost all the international treaties adopted under United Nations auspices, as a successor State to the former Socialist Federal Republic of Yugoslavia. In the case of the Convention on the Elimination of All Forms of Discrimination against Women, the succession had become effective in October 1991. Croatia had also become a party to a number of International Labour Organization (ILO) conventions relevant to the protection of women's rights. All those international

agreements were part of the internal legal order and could be invoked before and directly enforced by the courts.

6. Croatian legislation was in full compliance with the provisions of the Convention. Women were protected de jure and de facto, although they did not always make full use of the rights guaranteed by law, particularly with regard to political involvement. Nevertheless, there was full participation in cultural and economic life. Women had also taken an active part in the war imposed on Croatia, both as combatants and as providers of ancillary services.

7. The Constitution and other elements of the legal order formed a highly developed system of institutionalized protection for the rights and equality of men and women. The prerequisites for the implementation of such a system were political pluralism, permitting representation of the interests of all, and division of authority, with an independent judiciary defending human rights and freedoms.

8. A number of articles of the Constitution established the equality of all citizens and prohibited discrimination against women. Furthermore, restrictions imposed as a result of the state of war could not, under the Constitution, result in inequality on any grounds. Special constitutional protections were provided for women in connection with maternity, marriage and work, while violation of the equality of rights of citizens was a criminal offence.

9. As a newly established country, Croatia had no specialized government structures for the protection and advancement of women. Responsibilities in that area were delegated to each ministry within its respective sphere of activity. The special measures adopted in connection with maternity were not discriminatory, since they reflected the interests of society as a whole.

10. Steps were being taken, through legislation, education and the activities of non-governmental organizations, to eliminate gender-based prejudice. The role of the media was increasingly important in that regard, and efforts were being made to make women's roles in the media less stereotyped.

11. Marriage and common law marriage were equal before the law and, under the Marriage and Family Relations Law, were based on equality of rights for men and women. Under that Law, the minimum age for marriage was 18 for both men and women. In the past, under-age, emotionally immature women had entered into marriage and thus been put in a position of inferiority.

12. Under the Constitution, responsibility for the upbringing of children lay equally with the mother and the father, with the interests of the child being paramount. That provision was reinforced by the Marriage and Family Relations Law, under which parents exercised parental rights on equal terms. Where the parents were not married, the father's rights depended on the establishment of paternity. Parental responsibility continued in the event of divorce or dissolution of the marriage or separation. While there was no legal discrimination in awarding custody, mothers were granted custody in most cases. The non-custodial parent was required to assist in the support of the child.

13. Under the Constitution and labour legislation, and in consonance with Croatia's obligations as a party to ILO conventions, all discrimination on

grounds of gender was prohibited in the workplace. Equal conditions of employment and equal recruitment criteria were guaranteed. Nevertheless, women could not be employed in jobs deemed harmful to their health. Special guarantees were also provided for women in connection with maternity, and maternity leave was mandatory. Paternity leave was available to men under certain conditions, notably if the mother engaged in full-time employment. Health insurance was fully available to women.

14. Unfortunately, not all women in Croatia were able to exercise their rights. Women in parts of the country affected by armed conflict had suffered mistreatment, including rape. In fact, many victims of the war in Bosnia and Herzegovina, who had been the main targets of rape, were in Croatia as refugees. There were currently some 200,000 refugees and 200,000 displaced persons in Croatia, of whom a little over a half were women. The task of coping with that problem was a burden for a State which itself had been the victim of a war of aggression. It should be noted that attacks on women, particularly rape, had been used as an instrument of ethnic cleansing, as attested to by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia.

15. Ms. MATEK (Croatia) said that Ministry of Health records indicated that some 8,600 civilians had been wounded and 3,000 killed in the war of aggression against Croatia, of whom approximately 20 per cent had been women and 10 per cent children. Some 12 per cent of all wounded women had sustained serious disabilities, and the Government, after completing their medical treatment, was attempting to promote their social and psychological rehabilitation.

16. Particularly disturbing violations of women's rights had occurred in late 1991 and early 1992, when women had been captured, mistreated and detained in degrading conditions, in grave breach of the Geneva Conventions. In that connection, 741 women had been released from detention camps in Serbia and the Serbian-occupied territories of Croatia. Their testimony indicated that conditions in detention camps were extremely bad and that abuse and maltreatment were rife.

17. Children too had been detained in prisons and camps. Fifty-two per cent of the women detained had been over 45, and the oldest woman had been 90 years old. The average length of detention had been 86 days. Women who had been mistreated in prisons and camps were included in the Government's programme of psycho/social support for victims of the war.

18. Missing persons and their families were the war victims with the most complex problems. Women had either disappeared themselves or had relatives that had disappeared. Of the total number of disappeared women, nearly 70 per cent of whom were aged 60 or older, 24 per cent were still missing.

19. Women whose family members had disappeared three or four years previously still had no information on them. A number of people had disappeared after being captured by the Yugoslav National Army or by Serbian paramilitary troops in the presence of witnesses who had often been able to give the names of those responsible. In one case, 294 wounded persons, the youngest of them 16 years old, had been forcibly removed from Vukovar Hospital and were now registered as

missing. Many wives and mothers had personally witnessed the forcible removal of their husbands and children, but could still get no information as to their fate. The problem was a complex one and was growing worse as time passed. Women with a missing family member had serious psychological problems, and while they could be given psycho/social support, that did not solve the real problem. The Government of Croatia was therefore making every effort to trace or determine the fate of missing persons. It was cooperating closely with the Special Rapporteur of the Working Group on Enforced and Involuntary Disappearances of the United Nations Commission on Human Rights.

20. Mass rape had been used as a tactic in the initial phases of ethnic cleansing in areas from which non-Serbs had later been expelled. Rape, which had been brutal and had often been carried out in front of family members or other people, had been perpetrated in the occupied territories of Croatia and in detention camps in those territories and in Serbia, and had served the practical aims of aggression and conquest of new territory. From the very beginning of the war, the Croatian Government had organized medical doctors to document aggression against women and take victims' testimonies. Taking such testimony, which was kept confidential, was one way of supporting the victims. Doctors remained in touch with victims in order to provide them with continuing psycho/social and other medical help, if needed. About 500 testimonies had been collected from women victims of all kinds of maltreatment and abuse; of those, 10 per cent had been raped. Sixty per cent of those raped had also been subjected to torture and maltreatment. Four children had been born as a result of rapes. As women often denied any form of sexual abuse for cultural, religious or historical reasons, the actual number of women who had been raped was certainly much higher.

21. Women accounted for 53 per cent of all displaced persons and 59 per cent of all refugees in Croatia. Displaced persons had the same rights as other citizens of Croatia. Displaced persons and refugees had been provided with accommodation, food, health care and education. However, there were still problems and the Government was making great efforts to improve their living conditions and to ease the burden on refugee and displaced women in caring for their families.

22. In 1993, the Croatian Government had worked out a comprehensive programme for protecting and assisting victims of the war. One of the 10 projects it included had been the provision of gynaecological care to women victims of sexual abuse. However, the programme had not received any outside support from international organizations or Governments and had not been carried out owing to lack of financial resources.

23. In conclusion, all the rights established in the Convention on the Elimination of All Forms of Discrimination against Women were fully respected by her Government, but because of the war imposed on Croatia, many basic human rights, such as the right to life, had been violated, as had all the international conventions on human rights and the Geneva Conventions.

24. The CHAIRPERSON said that the Committee deplored the violations of women's human rights committed during the conflict in Croatia, and stressed the need to protect women in such circumstances. The Croatian Government should be encouraged in its attempts to integrate displaced and refugee women.

25. Ms. BUSTELO GARCIA DEL REAL said that the Committee would have liked to receive Croatia's report at its previous session, but appreciated the difficulties faced by the Croatian Government. She wished to be certain that no acts of aggression were currently being carried out against women in Croatia and that the facts given in the report were historical, as the Committee would have to bear that in mind in drawing up its conclusions. She asked whether women who had become pregnant as a result of rape had been able to obtain abortions, and whether they had access to psychiatric support services. It was unclear whether babies born as a result of rape were put up for adoption, and whether all traumatized women would receive financial compensation.

26. Since a comprehensive programme to protect and assist war victims had been drawn up but not implemented owing to financial constraints, further details should be provided on the programme so that a proposal for assistance could be put forward. It would be interesting to know whether the Croatian Government had been able to bring any perpetrator of a crime against women before the International Tribunal for the former Yugoslavia, and whether the Croatian armed forces had committed any acts of aggression against women, including rape.

27. Croatian women did not participate a great deal in political decision-making; it was unclear whether that was a result of the armed conflict. There appeared to be no specific machinery for developing policies to benefit women. However, it was when the situation was most difficult that it was most important to have such machinery, as women were treated as second-class citizens and needed to have their interests defended. The Committee would like to make a positive contribution to dealing with the current problems in Croatia.

28. Ms. SCHOPP-SCHILLING noted that the Croatian Government had made contact with the Special Rapporteur of the Working Group on Enforced and Involuntary Disappearances, and said that it should also establish contact with the Special Rapporteur on the elimination of violence against women. She was concerned that the comprehensive programme to protect and assist war victims had not been carried out owing to financial constraints. That was surprising, since she knew that there was a great deal of potential support. In her own country, Germany, a great deal of money had been collected but no contact had been found in Croatia to take delivery of it. She would welcome further details on coordination between the Government and non-governmental organizations (NGOs), and on the existence of any bureaucratic obstacles.

29. Ms. AYKOR said that it would be useful to know more about the role that women and women's NGOs could play, whether they had assisted women in Croatia or visited women there, and what sort of assistance could be provided. She would also like to know what assistance was needed from the Committee.

30. Ms. JAVATE DE DIOS said that peace was an essential prerequisite for women's enjoyment of their human rights. It would be interesting to know what programmes were planned for the economic rehabilitation of families and displaced persons and refugees once there was peace. She would also like to know what educational initiatives were being taken in the light of the war, and how children had been responding to the crisis. It would be useful to know what was being done to punish the perpetrators of war crimes and how women were participating in that process.

31. Ms. SHALEV commended the Croatian Government for focusing on the systematic sexual assault of women as a war tactic, and for breaking the silence which usually surrounded the subject of rape. It also had a duty to name those who were guilty and to record their crimes. She would like to know more about what was being done in that respect and whether it was intended to provide financial compensation to the victims of such war crimes.

32. Ms. OUEDRAOGO applauded the Government's efforts to reintegrate traumatized women into society and noted that young girls especially would need prolonged psychiatric help. Peace should be brought about quickly, and it would be interesting to know how women were playing a part in that process. Women must be at the heart of the peacemaking process in order to achieve what they needed.

33. Ms. BARE said that she would be grateful for additional information on the incidence of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in Croatia and on whether the Government had made any effort to determine the number of people infected with the disease.

34. She commended the Government's efforts to afford the same treatment and protection to refugee women as to its own citizens and hoped that such support would continue. Further details should be provided on the number of displaced children and/or orphans in Croatia and on whether there were any programmes for their adoption and care. She hoped that the Government would make every effort to ensure that the perpetrators of the war crimes described in the report were brought before the International Tribunal.

35. Ms. AYKOR said that, while she strongly sympathized with the difficulties faced by the Government and people of Croatia, it was the Committee's role to promote the participation of women in decision-making at all levels. In view of the Government's admission that women played little or no part in the country's political affairs, she recommended that it should take steps to encourage women to aspire to positions of power.

36. Ms. ABAKA said that Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and Croatia had one thing in common, namely, that rape had been used as a weapon of war in their territories. That should prompt women from all parts of the former Yugoslavia to join together in the search for peace.

37. Ms. SREMIC (Croatia) said that it was not entirely true that Croatian women did not participate in the decision-making process; for example, women were well represented in the judiciary. Moreover, there were no legal obstacles to women's political participation, which her Government encouraged. If women did not exercise their right to participate, that was due to the impact of the war on all aspects of life in her country.

38. The International Tribunal had begun to function only recently and had not yet tried any cases. Her Government had established a war crimes commission for the purpose of collecting data to be forwarded to the Tribunal. Croatia would seek assistance from the international community in bringing the perpetrators to justice.

39. As to the question of whether Croatian soldiers had committed rape, it should be recalled that the Croatian army had only been organized under the onslaught of aggression and that, initially, it had not even possessed weapons. While the data requested by the Committee were not available, she could state that if rape had occurred, it had been an unfortunate by-product of the war and had not been used as an instrument of ethnic cleansing. Moreover, those responsible would be prosecuted under the legislation in force.

40. A comprehensive programme to combat HIV/AIDS was in place.

41. Ms. MATEK (Croatia) said that most of the victims of rape and other forms of mistreatment were refugees; they received financial assistance and other forms of support for themselves and their children. Her Government had established a commission of experts to deal with the problems of displaced persons and refugees. The commission's first priority was to assist disabled war victims. In addition, teams of social workers and psychiatrists were being dispatched throughout the country to provide psycho/social counselling to victims of torture.

42. While the programme to meet the basic needs of refugees and displaced persons was unfunded, her Government was channelling funds to it from other sources. Her Government was especially grateful for the support received from non-governmental organizations. In the first 11 months of 1993, US$ 7.6 million had been spent on basic necessities for displaced persons and refugees and US$ 24.2 million on hospital services and primary health care.

43. Since some parts of her country were still occupied, human rights violations were continuing. Between April 1992 and September 1993, 12,000 civilians had been forcibly displaced.

44. Women who became pregnant as a result of rape were entitled to an abortion. In some cases, women preferred to give birth and to keep their children, while in other cases, arrangements were made for the children to be adopted.

45. The CHAIRPERSON thanked the Croatian representatives and said that the Committee looked forward to receiving the Government's initial report. The Committee had concluded its consideration of the report submitted on an exceptional basis.

46. Ms. Sremic and Ms. Matek (Croatia) withdrew.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

47. Ms. ABAKA said that the Committee had considered the initial report of Rwanda two or three years previously. Since then, the country had experienced extreme violations of human rights, with women and children being the main victims. As it was unclear when Rwanda would be able to present its next report, she proposed that the Committee should request the Government to submit a report on an exceptional basis.

48. Ms. SCHOPP-SCHILLING endorsed the proposal and suggested that, for related reasons, the Government of Zaire should also be requested to submit a report on an exceptional basis. Moreover, in the light of the war taking place within the territory of the Russian Federation, about which the Government had provided no information in its report, it might also be appropriate to request a special report on the impact of the war on the general situation of women in that country.

49. Ms. AOUIJ said that she too supported the proposal to request a report from Rwanda on an exceptional basis. She also suggested that a report on rape as a weapon of war, prepared by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), should be submitted to the Fourth World Conference on Women as an official document of the Committee.

50. Ms. OUEDRAOGO said that it was very important to request a report from Rwanda on an exceptional basis, as that would bring the Committee up to date on the situation of women and children in that country. Recalling that, in the workshops that it was going to hold in Beijing, the Committee had decided to stress education, she said that a link should be established between the themes of education and peace. In the current world context of widespread war and internal conflict, the victims of which were often women and children, it was impossible to discuss education without mentioning peace.

51. Ms. JAVATE DE DIOS said that she too supported the proposal to request Rwanda to submit a report on an exceptional basis and endorsed the idea of linking education and peace. The Committee should come up with a definitive statement on what the role of women should be in peace-building. She wondered what action the Committee was going to take with regard to its request to Ecuador and Guatemala, at its thirteenth session, that they submit another report which would be due by the Committee's next session. She would also welcome any information on how the Committee was going to schedule the reports of the newly independent republics of the former Soviet Union which had ratified the Convention.

52. Ms. BUSTELO GARCIA DEL REAL endorsed the proposal to link education and peace and, referring to Committee recommendation 19 on the criteria for requesting special reports from States parties, said that the Committee should not try to assume responsibilities that fell within the purview of other United Nations bodies specifically concerned with violations of the human rights of all persons in time of war. The Committee should request special reports from countries in which there had been armed conflicts only if it had received information that women had been specifically targeted because of their sex or that the violence had affected women disproportionately. While she did not have any data on Rwanda, Somalia or Chechnya, she was not sure that the situation in their territories met those criteria.

53. Moreover, when the Committee next decided to request special or exceptional reports, it should prepare itself better than it had done in the case of the States of the former Yugoslavia. In that regard, individual Committee members could volunteer to compile comprehensive background information that would enable the Committee to ask pertinent and probing questions, so as to engage in an effective dialogue with the country concerned.

54. Ms. CORTI suggested that, rather than requesting a special report from Rwanda, the Committee should ask the United Nations High Commissioner for Human Rights for information on the situation in Rwanda and then voice to him its concerns about the situation of women in that country, stressing the urgent need to act to prevent conflicts from erupting. As to education for peace, the United Nations Decade for Human Rights Education was the appropriate framework for promoting peace and respect for human rights. The Committee should therefore reflect on how to organize the Decade in such a way as to enforce respect for people's dignity as a means of preventing wars and conflicts.

55. Ms. CARTWRIGHT agreed that the Committee should keep to its mandate and adhere to the principles which it had enunciated in the past in calling for special reports on an exceptional basis. She cautioned, however, that if the Committee decided to request such reports, it must consider very seriously what priorities should govern all aspects of its work.

56. Ms. SHALEV, noting that the Committee did not have enough information to warrant requesting an exceptional report from any of the countries that had been mentioned, suggested that the Committee should act to develop awareness of the gender perspective of war through the relevant United Nations organs, rather than asking for special reports on any wars that might erupt and thereby running the risk of politicizing its work. Concerning the UNESCO document on rape as a weapon of war, while she endorsed the proposal to put it on the agenda of the Fourth World Conference on Women, she suggested that it should be accompanied by some indication as to what steps the Committee wanted the international community to take on gender-specific war crimes.

57. Ms. SINEGIORGIS said that the Committee was duty bound to request a special report from the Government of Rwanda. It could then ask the United Nations High Commissioner for Human Rights to take whatever steps were deemed appropriate.

58. Ms. BERNARD said that the Committee would be failing in its responsibilities if it did not request a special report from Rwanda, which was a State party to the Convention and had in fact submitted an initial report several years previously. Rwanda should be urged to comply with its treaty obligations and submit a special report.

59. After a discussion in which Ms. AOUIJ, Ms. SINEGIORGIS and Ms. BERNARD took part, the CHAIRPERSON proposed that the Committee should send a letter to the High Commissioner for Human Rights requesting further information on the situation in Rwanda, particularly the situation of women and children. At the same time the Government of Rwanda should be requested to submit a report on an exceptional basis.

60. It was so decided.

The meeting rose at 1.10 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 280th MEETING

Held at Headquarters, New York,
on Wednesday, 1 February 1995, at 3 p.m.

Chairperson: Ms. CORTI

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95-80253 (E)

The meeting was called to order at 3.05 p.m.

STATEMENT DELIVERED ON BEHALF OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Ms. STAMATOPOULOU (Chief, Centre for Human Rights, New York Office), speaking on behalf of the United Nations High Commissioner for Human Rights, said that the World Conference on Human Rights, held at Vienna in 1993, had actively promoted the human rights of women. In that connection, the contribution of CEDAW had been invaluable.

2. Since his appointment, the High Commissioner had attached particular importance to the equal status and human rights of women and had accorded priority to activities for women sponsored by the Centre for Human Rights. On his visits to countries, he systematically raised women's concerns with government officials and non-governmental organizations and inquired, in particular, about the impact of economic adjustment or transitional policies on women's rights. On those visits, he also called for the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, as recommended in the Vienna Declaration and Programme of Action. Following up the implementation of the Committee's recommendations and those of the Special Rapporteur on violence against women were an integral part of his mandate.

3. Progress had been achieved in integrating women's human rights into the mainstream of United Nations human rights activities. Many of the resolutions adopted by the Commission on Human Rights at its fiftieth session included references to women. The Commission had also taken the historic decision to appoint a Special Rapporteur on violence against women. Technical assistance in the field of human rights, including assessment missions, took account of the situation of women in the countries concerned and technical assistance projects included measures designed to improve the human rights of women. In some countries, women had been recruited to implement technical assistance projects. A roster of women experts in the field of human rights was currently being developed.

4. Concerning pertinent developments in other human rights treaty bodies, it should be noted that the fifth meeting of persons chairing the human rights treaty bodies had urged the treaty bodies to take all appropriate measures to respond to massive human rights violations and, where necessary, to bring them to the attention of the High Commissioner and the Secretary-General. In that connection, the Chairpersons had proposed holding a meeting with the Secretary-General in 1995. They had also recommended that the Security Council should focus increasing attention on human rights violations, which were often a sign of instability and of threats to peace, and that it should take into account information provided by the treaty bodies and the early warning measures they adopted. A number of treaty bodies had established preventive and early warning mechanisms and taken steps to enhance their ability to respond effectively to human rights violations.

5. At a meeting scheduled for 1995, the Chairpersons would discuss how the treaty system could be more effective in promoting and monitoring the observance of the human rights of women. They had indicated that annual rather than biennial meetings would be more effective in ensuring closer coordination among them, a recommendation which had been endorsed by the General Assembly in its resolution 49/178.

6. The Committee on the Elimination of Racial Discrimination had continued to offer technical assistance and its good offices in order to promote dialogue. It had dispatched a technical assistance mission to Croatia in March 1994. Alarmed by the increasing number of racially and ethnically motivated massacres and atrocities all over the world, the Committee had also adopted a general recommendation concerning the establishment of an international tribunal with general jurisdiction to prosecute the perpetrators of crimes against humanity.

7. The Committee against Torture had stressed the need to establish mechanisms at both the national and international levels for the prevention of human rights violations and, in particular, of torture in detention centres. The Committee was following the work of the open-ended working group of the Commission on Human Rights, established to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8. The Human Rights Committee attached particular importance to States parties' compliance with the non-discrimination clauses contained in articles 2, 3 and 26 of the International Covenant on Civil and Political Rights. The list of issues it prepared in considering States parties' reports always included questions concerning the participation of women in political, economic, social and cultural life and male and female enrolment in schools and universities. The concluding comments adopted by that Committee almost always contained recommendations concerning the adoption of additional measures to enhance respect for the rights of women under the Covenant. The Committee had also developed jurisprudence relating to the protection and promotion of women's human rights in individual cases under the Optional Protocol to the Covenant.

9. During its fifty-second session, the Committee had decided to update its general comment No. 4 (13) concerning equal rights of men and women by emphasizing, in particular, the question of discrimination against women. It had also adopted a general comment concerning reservations to the Covenant and its Optional Protocol. That general comment identified principles of international law by which the acceptability of States parties' reservations could be gauged. The Human Rights Committee was aware that reservations made to the Convention on the Elimination of All Forms of Discrimination against Women were numerous and, at times, far-reaching.

10. The Committee on Economic, Social and Cultural Rights had continued to focus attention on gender-related issues and on measures undertaken by States parties to ensure the equality of men and women in economic, social and cultural life. In that connection, the deliberations and concluding comments of CEDAW had proved to be a valuable input for the Committee's work. It had also begun consideration of a report on a draft optional protocol concerning economic, social and cultural rights and had adopted a general comment recommending that

States parties should take practical measures to eliminate discrimination against persons with disabilities. It had adopted a statement on economic, social and cultural rights in the context of the World Summit for Social Development and two draft decisions for adoption by the Economic and Social Council one of which concerned the holding of an extraordinary additional session and a pre-sessional working group in 1995 in order to deal with a backlog of State party reports.

11. The work of the Committee on the Rights of the Child in the past year had been extremely relevant to the work of CEDAW. States parties were required to provide in their reports, gender-specific information and statistical data and indicators on a number of issues covered by the Convention on the Elimination of All Forms of Discrimination against Women. The Committee on the Rights of the Child invariably addressed such issues as discrimination against the girl child, early marriage, maternal health care, early pregnancies, family-planning education and services, prejudicial health practices, the denial of educational opportunities for girls, the exploitative use of girls in child labour and sexual abuse and exploitation. Its concluding comments included suggestions for preventive, remedial and rehabilitative action to deal with those problems.

12. The thematic issues considered during its general debates had highlighted the situation of the girl child. For example, in 1993 it had focused on the economic exploitation of the child and in 1994 on the role of the family in the promotion and protection of the rights of the child. The results of the debate on the girl child during its most recent session would be reflected in the draft Platform for Action to be adopted by the Fourth World Conference on Women.

13. Ms. SCHÖPP-SCHILLING said that, since a focal point had recently been appointed at the Centre for Human Rights in Geneva, it would have been useful for that person to attend the current session.

14. Ms. BUSTELO GARCIA DEL REAL suggested that it would be useful for the representative of the Centre for Human Rights to be informed that the Committee had decided to ask Rwanda for a special report on the situation of women's human rights in that country.

15. The CHAIRPERSON said she would also write to the High Commissioner, informing him of the Committee's particular concern regarding Rwanda.

CONTRIBUTION OF THE COMMITTEE TO INTERNATIONAL CONFERENCES (continued)

16. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) read out the opinion of the Legal Counsel in response to the Committee's inquiry as to whether its special session, to be held at Madrid from 27 April to 1 May, could be considered formal. Citing article 20 of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex), rule 2, paragraphs 1 and 2 and rule 3, paragraphs 1 and 2 and footnote c of the rules of procedure (A/38/45), and General Assembly resolution 31/140 on the pattern of conferences, paragraph 5, the Legal Counsel had indicated that the Committee could convene a formal special session, provided that it did so in consultation with the Secretary-General and subject

to any relevant decisions taken by the Committee on Conferences concerning the calendar of conferences.

17. The Committee should bear in mind, however, that a formal session would have to be conducted like its regular sessions at Headquarters - in other words, in the six official languages of the United Nations with summary record coverage. The Committee would also have to adopt a report. The Committee on Conferences could not provide conference facilities on the dates indicated but a formal session could be organized outside the scope of the United Nations with the support of the host Government under a host country agreement. As the invitation had been extended on relatively short notice, however, it was his impression that the Spanish Government did not have sufficient time to organize a full-scale formal session.

18. He recalled that just prior to the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi, the Committee had been in a similar situation in that it had been unable to complete its document for the Conference during its regular session. It had therefore adopted its document ad referendum and had provided clear guidance to its Chairperson on how she should complete the work. A similar procedure could be followed in order to complete the document which the Committee would contribute to the Fourth World Conference on Women. The Committee could provide its input and guidance to the Chairperson at Madrid during an informal session.

19. Ms. CARTWRIGHT asked whether the Spanish Government would provide interpretation and other conference and support services.

20. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that he had been unofficially informed that the Spanish Government would provide interpretation into English, French and Spanish.

21. Ms. MONGELLA (Secretary-General of the Fourth World Conference on Women) expressed her sincere gratitude to the Government of Spain for its invitation and, in general, for the tremendous support it had provided to the preparatory process for the Beijing Conference. The situation brought out the need to strengthen the servicing of CEDAW, and she sincerely hoped that, once the Conference was over, serious consideration would be given to the need to strengthen institutions for women. Unlike other institutions, their resources were often quite limited. As one of the major bodies dealing with women's issues the Committee's input to the Conference was vital.

22. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), responding to a question from Ms. GARCIA-PRINCE, said that if the Committee followed the procedure he had suggested, the resulting document would be considered fully legitimate.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

Report of Working Group I

23. Ms. BERNARD, speaking as Chairperson of Working Group I, introduced the latter's report (CEDAW/C/1995/WG.I/WP.2 and Add.1) and drew particular attention to the Guidelines contained in annex I and to the draft General Recommendation contained in the addendum.

24. Ms. MONGELLA (Secretary-General of the Fourth United Nations World Conference on Women), referring to paragraph 11 (b), suggested that the Committee should consider holding one workshop, rather than two.

25. With regard to paragraph 7, she said that it should not be assumed that the Centre for Human Rights would be able to provide additional resources; thus moving to Geneva would not of itself make the Committee's work any easier. The Committee should think carefully before it decided to relocate.

26. The CHAIRPERSON proposed that the Committee should consider the report paragraph by paragraph.

Paragraph 1

Paragraph 1 was adopted.

Paragraphs 2 to 4

27. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), responding to a question from Ms. ABAKA, said that in the past, when a State party whose report was scheduled for consideration at a given session failed to appear, the Committee had not rescheduled the report for the next session.

28. Ms. GARCIA-PRINCE, supported by Ms. SINEGIORGIS, said that States parties should be given only one opportunity to present their reports.

29. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) suggested that the Committee might wish to add a separate paragraph whereby the Committee would request the Secretariat to inform those States parties that had not appeared to present their reports as scheduled, of the Committee's concern, particularly in view of the large number of States whose reports had yet to be considered and that the Committee would revert to those reports at a subsequent time. It would also inform those States parties that they should be prepared to update the reports when they did ultimately present them.

30. It was so decided.

31. Ms. GARCIA-PRINCE, supported by Ms. KHAN, suggested that when a State Party did not appear to present its report, a report from the same geographical region should be substituted.

32. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that the Committee had established order of receipt as the primary criterion for selecting reports for consideration, followed by geographical balance. A change in the criteria would mean establishing automatic reserve lists for each of the five regions represented.

33. The CHAIRPERSON said that it would be difficult to do that; there was usually very little notice that a State party would not appear.

34. Paragraphs 2 to 4 were adopted.

35. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), in response to a question from the CHAIRPERSON, said that the sessions of CEDAW were scheduled, so that their results could be reported to the Commission on the Status of Women, which ordinarily met in March. As a cost-saving measure, the meetings of States parties were held immediately following the sessions of the Committee in order to economize on Secretariat travel costs from Vienna to New York. If the Committee were to move its seat to Geneva, however, that would no longer be a factor.

36. Paragraph 5 was adopted.

Paragraph 6

37. Paragraph 6 was adopted.

Paragraph 7

38. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) recalled that, under the terms of the Convention, responsibility for servicing the Committee had been entrusted to the Secretary-General. Since the recommendation that the Committee should relocate to Geneva might require additional resources - the precise amount of which could not be determined precisely at the current stage - the Secretary-General intended to report on the programme budget implications of that recommendation to the General Assembly at its fiftieth session in accordance with established procedure. The final decision on the Committee's recommendation would be made by the General Assembly.

39. Ms. ABAKA said that the Committee must be sure that its requirements could be met in Geneva before taking a decision.

40. Ms. GARCIA-PRINCE said that, although she understood the rationale for the recommendation, having a presence at Headquarters would help the Committee maintain its relationships with specialized agencies such as UNIFEM. The Committee should carefully weigh the relative advantages and disadvantages of moving.

41. Ms. BARE wondered what effect such a move would have on the closer working relationship that was developing between CEDAW and UNIFEM.

42. Ms. OUEDRAOGO said that women's problems were often closely related to development, and it might be an advantage to remain at Headquarters from that standpoint.

43. Ms. BUSTELO GARCIA DEL REAL said that the proposed move to Geneva, the centre of United Nations human rights activities, was a logical consequence of what had been achieved at the World Conference on Human Rights and of the Committee's growing importance. The Committee must take advantage of its relationship with the Commission on the Status of Women to maintain a relationship with other agencies in the United Nations system and must endeavour to ensure that other human rights bodies and the Centre for Human Rights accorded due importance to its work.

44. There should not be additional budgetary costs since the costs could be transferred to the Centre for Human Rights. The argument regarding UNIFEM was irrelevant. The Fourth World Conference on Women would be an ideal opportunity for the Committee to express its concerns about the difficulties it was experiencing in carrying out its work and the importance of its work being integrated with the central structure of United Nations human rights activities.

45. Ms. BERNARD drew attention to the draft resolution concerning the proposed move to Geneva, which was being circulated to members in English.

46. Ms. SINEGIORGIS and Ms. SCHÖPP-SCHILLING said that the Committee should defer consideration of the matter until the text was available in all languages.

47. The CHAIRMAN said that the Committee would defer its consideration of paragraph 7.

Paragraphs 8 and 9

48. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that it was estimated that an additional $55,000 per biennium would be required if the Committee endorsed the recommendation in paragraph 8. The programme budget implications would be submitted to the General Assembly at its fiftieth session in accordance with established procedure. Pending a decision by the General Assembly, the travel expenses for 1995 would be met from the funds already appropriated to the Committee, subject to their availability.

49. Ms. SHALEV asked what Mr. Mathiason had meant by saying that funding was subject to the availability of resources.

50. Ms. CARTWRIGHT said that the funds for the current year had already been approved. The Secretariat would have to try to save money in other areas in order to meet the Committee's request. It was her understanding that the Working Group was asking the Secretariat to do its utmost to provide funding from the existing budget.

51. Ms. JAVATE DE DIOS said that the question of resource allocation should be given the highest priority. It was very important for the Chairperson to be able to promote the work of the Committee. The costs of her attendance at

meetings should not be incidental expenses from extra savings but should be covered from the regular budget.

52. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), responding to a question from Ms. OUEDRAOGO, said that all treaty bodies provided for travel by the Chairperson on an ad hoc basis using savings within the normal allotment for travel expenses of representatives of those bodies.

53. Ms. SINEGIORGIS said that if the Committee did not adopt the paragraphs, the Chairperson might not be able to attend all the meetings listed.

54. Paragraphs 8 and 9 were adopted.

Paragraph 10

55. Paragraph 10 was adopted.

Paragraph 11

56. The CHAIRPERSON recalled that the Committee needed to decide whether to hold one or two workshops at the Fourth World Conference on Women.

57. Ms. KHAN said that the Committee should maintain the provision for two workshops.

58. Ms. BARE agreed, adding that it should concentrate on the workshop on ways and means to publicize the Convention and let the United Nations Educational, Scientific and Cultural Organization (UNESCO) play the dominant role in organizing the joint workshop.

59. Ms. SCHÖPP-SCHILLING recalled that there was also a possibility of organizing a workshop on the role of women in development, in conjunction with UNIFEM.

60. Ms. SINEGIORGIS said that she would prefer to leave paragraph 11 (b) as it stood. It would be a good idea to have a workshop on women and development.

61. Ms. JAVATE DE DIOS agreed, adding that it should not be too difficult to hold two workshops.

62. The CHAIRPERSON pointed out that since UNESCO had offered to organize a workshop, that one should be held if at all possible.

63. Ms. SHALEV said that she was concerned about the Committee trying to do too much; she would prefer to concentrate on the workshop on ways and means to publicize the Convention; the Committee could, perhaps, sponsor workshops with UNESCO and UNIFEM.

64. Paragraph 11 was adopted.

The meeting rose at 6.10 p.m.